LIVELIHOODS, INTEGRATION & TRANSNATIONALISM IN A PROTRACTED REFUGEE SITUATION

CASE STUDY: BURMESE REFUGEES IN THAILAND

Dissertation presented in fulfilment of the requirements for a Ph.D. degree in Political and Social Sciences, option Political Sciences.

INGE BREES

Ghent University
August 2009
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ACRONYMS

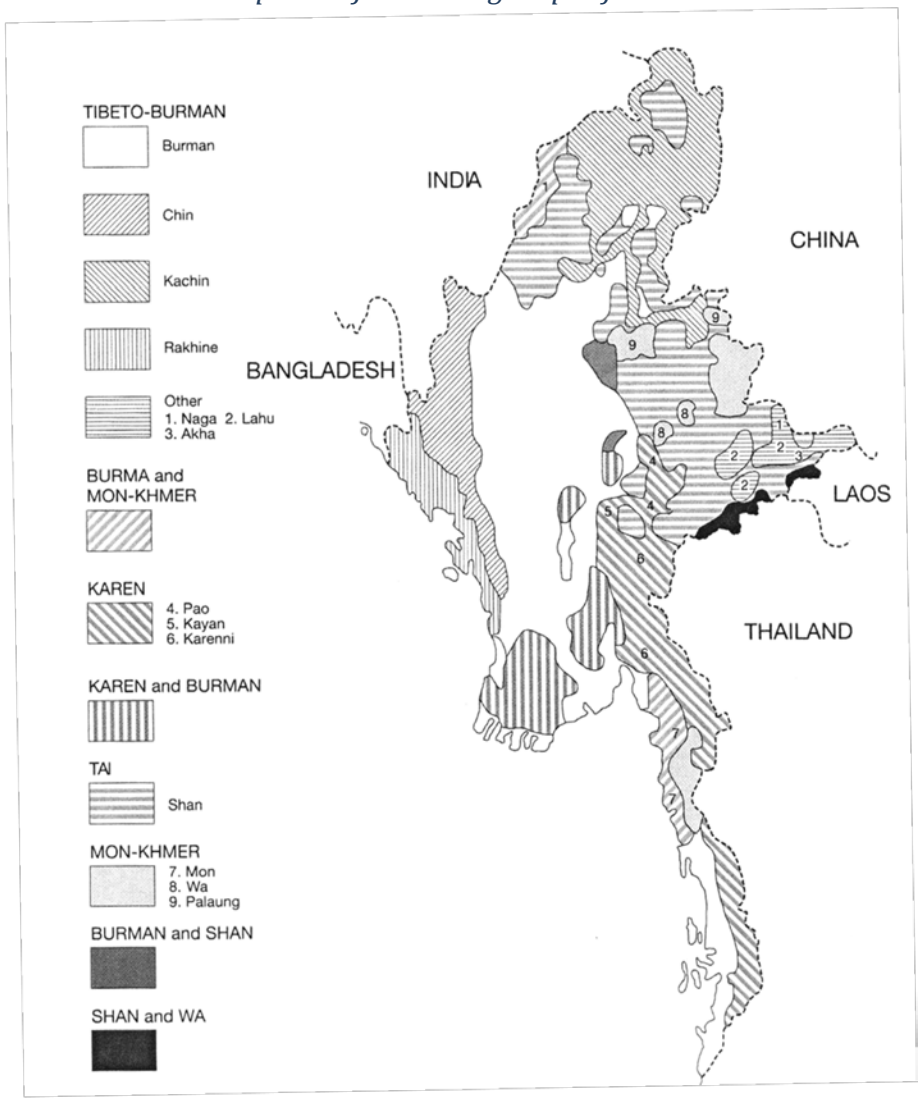
ASEAN	Association of Southeast Asian Nations
CBO	Community-Based Organisation
CCSDPT	Committee for Co-ordination of Services to Displaced Persons in Thailand
CIDKP	Committee for Internally Displaced Karen People
CIREFCA	International Conference on Central American Refugees
CPA	Comprehensive Plan of Action
CPRs	Common Property Resources
DAR	Development Assistance for Refugees
DKBA	Democratic Karen Buddhist Army
DLI	Development through Local Integration
EBO	Euro-Burma Office
ENC	Ethnic Nationalities Council
IDP(s)	Internally Displaced Person (People)
ILO	International Labour Organisation
IOM	International Organisation for Migration
IRC	International Rescue Committee
JRS	Jesuit Refugee Service
KHRG	Karen Human Rights Group
KNLA	Karen National Liberation Army
KNPP	Karenni National Progressive Party
KNU	Karen National Union
KORD	Karen Organisation for Relief and Development
KRC	Karen Refugee Committee
KWO	Karen Women's Organisation
KYO	Karen Youth Organisation
MOI	Ministry of Interior (Thailand)
MOL	Ministry of Labour (Thailand)
MoU	Memorandum of Understanding
NCGUB	National Coalition Government of the Union of Burma
NCUB	National Coalition of the Union of Burma
NESDB	National Economic and Social Development Board (Thailand)
NGO	Non-Governmental Organisation

NLD	National League for Democracy
NMSP	New Mon State Party
NRP	National Reconciliation Programme
NSC	National Security Council (Thailand)
ODA	Official Development Assistance
PAB(s)	Provincial Admission Board(s) (Thailand)
POC(s)	Person(s) Of Concern
POS	Political Opportunity Structures
RHA(s)	Refugee Hosting Area(s)
RSD	Refugee Status Determination
RTA	Royal Thai Army
RTG	Royal Thai Government
SLORC	State Law and Order Restoration Council (Burma)
SPDC	State Peace and Development Council (Burma)
SRS	Self-Reliance Strategy (Uganda)
SWAN	Shan Women's Action Network
TBBC	Thailand Burma Border Consortium
TDA	Targeting Development Assistance (for refugees)
THB	Thai Baht (35.5 THB= US$ 1, January 12, 2009)
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
USCRI	United States Committee for Refugees and Immigrants
VBSW	Vigorous Burmese Student Warriors
VT	Vocational training
YCOWA	Yaung Chi Oo Workers Association
3D- jobs	Dirty, Dangerous and Difficult
4R's	Repatriation, Reintegration, Rehabilitation and Reconstruction
tatmadaw	The army of the Burmese junta

Map 1: Burma


CHINA
Hkakabo Razi
Brahmaputra
BHU.
INDIA
CHINA
Myitkyinā
BANGL.
Bhamo
Irrawaddy
Mekong
BANGL.
Monywa
Mandalay
Chauk
Taunggyi
LAOS
Akyab
Nay Pyi Taw
(administrative capital)
Prome
Bago
Bay of Bengal
RANGOON
Pathein
Mawlamyine
THAILAND
Dawei
Andaman Sea
ANDAMAN ISLANDS (INDIA)
Gulf of Thailand
0 100 200 km
0 100 200 mi

Map 2: Major ethnic groups of Burma



Source: South 2008: xii

ACKNOWLEDGEMENTS

Burma is special. It is unique to see how many people get 'hooked' on the country, regardless of all the places they have worked in before and after. The number of friends who now work around the world for humanitarian organisations but keep on attending every documentary evening on Burma and continuously express support are uncountable. It catches people's imagination and leaves no one un-touched. Years back, in 1999, my classmates and me received an assignment to give a lecture on a particularly inspiring person. While weighing up who I would chose, I happened to see a documentary on Aung San Suu Kyi, the Nobel Peace Prize winner of 1991 and symbol of the opposition in Burma. The decision was quickly made. In the last year at university, an interest in sanctions as a means for conflict management again re-focused my attention on Burma, which in turn resulted in a UN internship in Rangoon. Now, ten years after that evening in front of the television, I am still working on Burma. It is not easy to let go. If the knowledge generated by this research leads to better informed action and some progress for the numerous Burmese refugees on the Thai-Burma border, even if small, it is already a victory.

This dissertation is the result of a four- year doctoral project, for which the financial support of the Special Research Fund (BOF) is gratefully acknowledged. It would not have been possible without the cooperation of a large number of people.

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interpreters, who found an amazing balance between being a professional 'outsider' while translating for me on the one hand, and on the other hand informing me about cultural sensitivities or providing me with additional explanations for issues that came up during interviews. They were my first 'soundboard', and I really owe you all a great deal: Kalu, Eh Soe, Candace, Lar Roung, Jular, Sylvia and Sofia, thanks a lot and wishing you lots of luck in Thailand, Australia and Canada.

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Ghent, August 15, 2009

INTRODUCTION:

HOW THIS RESEARCH FITS INTO THE DEBATES IN REFUGEE STUDIES AND POLICY

When I first developed the plan to do research on Burmese refugees, I was in Rangoon and a gentleman's agreement had just been agreed upon between the junta and the Karen rebels. It was a historic moment. After all, the Karen insurgents had been fighting the Burmese regime since the 1940s and now there was a possibility that this civil war would come to an end in the near future. The atmosphere was optimistic, which encouraged the UN Refugee Agency (UNHCR) to start consultations with all the stakeholders on possible repatriation of the numerous Burmese refugees in Thailand. This event caught my attention and I decided to investigate the consequences of the worldwide preference for repatriation as a durable solution on the quality of reception in a host country, on the compliance with the necessary conditions for repatriation and on the follow-up of refugees after repatriation. However, just two months into the research (November 2005), the informal ceasefire broke down and the armed conflict reached new heights, leading to additional waves of internal and external displacement. This event acted as an eye opener. Only at that point did I realise how optimistic my views had been and how often this kind of relapse was to occur all over the world. Refugees' hopes are raised because of a ceasefire and they start making preparations to go back, but then the arrangement breaks down and the period of refuge in the host country is once again extended. The longest period in the lives of refugees is thus the intermediate period in which they are living in exile without a durable solution in sight. It was this awareness that made me decide to shift my focus to protracted exile.

If the situation in their country of origin remains unstable, as is the case in Burma, refugees are likely to remain in the host country for a long period of time. The emergency phase evolves into what is called a ***protracted refugee situation***: "*Refugees can be regarded as being in a protracted refugee situation when they have lived in exile for more than five years, and when they still have no immediate prospect of finding a durable solution to their plight*" (Crisp 2003: 1). Their lives may not be at risk, but their basic economic and social rights remain unfulfilled after years in exile. In 2008, 5.2 million refugees were trapped in a protracted refugee situation, or 46 % of the 11.4 million refugees under UNHCR's mandate (UNHCR 2007b, 2008). As this figure excludes unregistered self-settled refugees, the real amount of refugees in protracted refugee situations is likely to be even higher. Moreover, the amount of time that refugees are trapped in protracted refugee situations is rising: from nine years in 1993 to an incredible 17 years at the end of 2003 (Loescher and Milner 2006: 3). Why do these situations endure?:

> "*These chronic and seemingly unresolvable problems occur because of ongoing political, ethnic and religious conflict in the countries of refugee origin, stagnate and become protracted as a consequence of restrictions, intolerance and confinement to camps in host countries, and are exacerbated and prolonged by the combined effect of inaction or unsustained international action both in the country of origin or the country of asylum*".
>
> (Loescher and Milner 2007: 13)

At its most fundamental level, this study seeks to assess how refugees cope with and adapt to life in exile in a protracted refugee situation.

1.1 Two settlement options: Refugee camps or self-settlement

Of particular importance in protracted refugee situations is how refugees are treated in the intermediate term, while waiting for a durable solution: are refugees permitted to freely settle in the host country (self-settlement), or will they be asked to stay in camps or organised settlements? Usually, host countries prefer to gather refugees in closed refugee camps, mainly to ensure control and prevent potential frictions with the local population, and also because it is presumed that this will entail quicker repatriation at a later stage. Another explanation is that UNHCR considers camps a more efficient means for both protection and assistance in the context of a mass refugee influx (Black 1998; Kuhlman 2002; Banki 2004)[1]. As a result, refugee camps are used all over the world. 87.6 % of the refugees assisted by UNHCR are contained in officially designated camps, the remainder being in agricultural settlements or in urban areas (Agier 2002: 320). Even if these camps are supposed to be temporary, they often become permanent in the absence of other viable solutions, which is why Napier-Moore (2005) argues that refugee camps have de facto become a fourth durable solution, next to repatriation, local integration and resettlement.

As refugee camps are extraordinary newly created 'spaces', they attract academic attention. Scholars working on situations of mass refugee influx (usually in the South) have indeed largely focused on the life in refugee camps. One group of studies looks at issues such as formal and informal institutions, parallel legal mechanisms, identity formation and power politics within camps (e.g. Malkki 1995a,1995b; Stepputat 1999; Agier 2002). But most studies present a critique on encampment because these camps prevent integration of refugees and hosts, increase dependency on aid, and neglect the impact of the refugees' presence on a host region (Schmidt 2003). Certainly the social problems related to long term

[1] In 1997, UNHCR even adopted an official policy of reducing its assistance in urban areas to a minimum and discouraging any settlement in urban areas (Dryden-Peterson 2006: 383-384). Although the inadequacies of this policy were recognised, a more effective policy with a protection focus, as proposed by its Evaluation and Policy Analysis Unit, has yet to supersede it ten years later.

'warehousing'[2] of refugees in camps has received a lot of attention, leading to a debate on the existence of the 'aid dependency syndrome' (e.g. Harrell-Bond 1986; Kibreab 1993; Malkki 1995; Black 1998): "*This refugee dependency syndrome is characterised by the acceptance of handouts without taking any initiatives to attain self-sufficiency, accompanied by symptoms of excessive and unreasonable demands, frequent complaints, passivity and lethargy"* (Horst 2006c: 92). While it is often said that warehousing creates this syndrome, other scholars contradict this image of 'the passive refugee' and stress that refugees, as other marginalised groups, survive in a very creative manner by using a wide variety of coping strategies (Kuhlman 1991; Wilson 1992; Kibreab 1993; Dolan 1999; Hyndman 2000; Jacobsen 2005; Horst 2006c). De Vriese (2006: 13) for example reasons that the aid dependency syndrome is a deliberate response of refugees to the system: "*Does this not rather illustrate that humanitarian assistance has become part of the livelihood strategies developed by refugees? (...) If provision is based on need, people will present themselves as needy*".

In contrast to the large amount of research on camp refugees, few studies look at the alternative to encampment: self-settlement. This is a remarkable finding as it is an accepted fact that the majority of refugees do not stay in camps. Moreover, proponents of self-settlement (e.g. Kibreab 2001) argue that this option is beneficial for all stakeholders, which makes the dearth of information on the matter all the more surprising. There are several reasons for the small amount of studies on this phenomenon. An important explanation is that refugee scholars often seek to inform policy makers and aid agencies, looking into situations where policies are having an effect (for better or for worse), which is the case for (supposedly) closed and controlled refugee camps (Bakewell 2008a: 443-444).

[2] Definition of 'warehousing': "This is a term (...) used to describe the denial of human rights found in the 1951 Convention Relating to the Status of Refugees and other instruments to live lives as normal as possible while in exile, especially the right to earn a livelihood and freedom of movement. Warehoused refugees are typically, but not always, confined to camps or segregated settlements where they are virtually dependent on humanitarian assistance. But even refugees who are free to move are still warehoused, in effect, if they are not allowed their rights to work, practice professions, run businesses, and own property" (USCRI 2008a).

While there is some basic agreement among policy makers, NGOs[3] and academics that refugee camps are undesirable, the alternatives to encampment are considered politically and financially unfeasible (Schmidt 2003: 7). Therefore, alternatives are being disposed of as unrealistic and as such they receive much less attention. Moreover, governments may actively discourage research on self-settled refugee populations, seeing them as (unwanted) migrants who can take care of themselves and instead stressing that all refugees are living in camps: "*There is considerable ambiguity surrounding the status of self-settled refugees: indeed the government and UNHCR see the very notion of 'self-settled refugee' as a contradiction in terms, having redefined 'refugee' as someone receiving assistance and living in a camp. Such a definition, however, makes little sense in a context in which thousands of refugees have opted out of the settlement structure and have sought to make a living on their own*" (Hovil 2007: 601). A third reason for the small number of studies is that self-settled refugees are a much more difficult population to conduct research on. After all, they are spread out over the country (so it is difficult to get representative data) (Jacobsen and Landau 2003), are often in hiding, and even if identified, might very well be unwilling to disclose any information to a researcher because of their illegality and the understandable suspicion resulting from that. Therefore, many research gaps remain, notwithstanding that research on self-settled refugees is important to demonstrate the fluidity and contradictions in both theoretical and legal constructions of refugees (Al-Sharmani 2004: 2).

The small amount of refugee scholars that have looked into self-settlement have tended to centre on urban refugee livelihoods, often to denounce the idea that these refugees are burdens to their host countries (Kok 1989; Machiavello 2003; Al-Sharmani 2004; Campbell 2005; Clarck 2006; De Vriese 2006; Dryden-Peterson 2006; Grabkska 2006; Jacobsen 2006). Urban refugees are a particularly fascinating population for research, as they are more autonomous and mobile than camp

[3] A well-publicised campaign in this regard was the 'anti-warehousing campaign' initiated by the US Committee for Refugees and Immigrants (USCRI 2004; 2008a). More information on this campaign can be found at:
http://www.refugees.org/article.aspx?id=1109&rid=1179&subm=33&area=About%20Refugees.

refugees, but on the other hand they have to fend for themselves and try to be (or are made) 'invisible' (Polzer and Hammond 2008)[4]. Due to this focus on the coping and adapting strategies of urban refugees, these livelihoods studies generally have a different line of approach than studies on refugee camps, which tend to focus on policies and interventions. Their actor-oriented perspective is very useful, as it offers a richer understanding of the dynamic aspects of the experiences of refugees, their relations with the host society, humanitarian agencies and other refugee groups (Al-Sharmani 2004: 2). Therefore, this study inscribes itself in this research tradition, while extending the research focus beyond urban refugees, as will be made clear further on.

Only a handful of researchers have taken it one step further to compare the two settlement options within a single area, which is bound to lead to more holistic insights. Notable examples are the work of Bulcha (1988), Wijbrandi (1990), Malkki (1995), Bakewell (2000a), Kibreab (2001), Kuhlman (2002), Hovil (2002, 2007), Jacobsen (2005) and Kaiser (2006), all of whom have focused on refugee settings in Africa. Comparing refugee camps and self-settlement is vital, as we need to learn more on why refugees 'choose' one or the other (Napier-Moore 2005), and what the impact of this settlement decision is on the human security and livelihoods of the refugees. After all, there is not only a vast difference between camp refugees and self-settled refugees in terms of recognition and protection, but also in regard to freedom of movement, access to humanitarian aid, access to work, refugee identity, etc. This research wants to show what the consequences of a particular settlement choice are for the livelihoods of refugees: how does their selection have an impact on the available assets, which strategies are applied to secure access to assets, what is the impact of their settlement choice and subsequent strategies on social adaptation and how does the institutional context influence their decisions and opportunities. These findings will help to inform the way that each group can

[4] Invisibility can occur both because the population in question considers it the best survival strategy (e.g. failed asylum seekers in Europe) or because a certain population is ignored by researchers (disciplinary invisibility) and/or policy makers: "Invisibility is a relationship between those who have the power to see or to choose not to see, and, on the other hand, those who lack the power to demand to be seen or to protect themselves from the negative effects of imposed visibility" (Polzer and Hammond 2008: 421).

best be supported. This is significant to improve the current condition that the refugees find themselves in, and is indispensable to prepare the refugees in the best possible way for any durable solution in the future. Moreover, looking into different settlement options in a certain area can reveal links between the people in the different settings and the various populations can function as control groups for each other on the methodological level. Hence, this study will compare the options of refugee camps and self-settlement in a specific geographical area, namely Tak province in Thailand (the selection of which will be explained in Chapter 2).

1.2 The livelihoods approach

The focus of the research will be on the **agency of refugees**. This is a deliberate choice, as there has been an enormous amount of studies on improving refugee policy in Africa, but there is far less understanding about what people actually do when they flee violence and end up in a host country (Bakewell 2008a: 450). Due to the focus on the problems with regard to state, protection or aid policy, there is a dearth of information on what *does* work for refugees, on how they manage in practice to cope with exile regardless of policy. It is important to understand what kind of initiatives refugees are undertaking to stabilise and improve their situation. Therefore, this research focuses on refugees' agency, which has a large influence on 'the truth' discovered:

> *"The focus on what works in the midst of crisis, desperation, and uncertainty is a deliberate attempt to promote research and policy-setting that is forward-looking and productive rather than reactionary and regressive*" (Dryden-Peterson 2006: 381).

The livelihoods approach is particularly well suited for this kind of research due to its actor-oriented and participative approach, and as such it had a large influence on this study. It was used as a thinking method, as a way to put together a diverse

picture of refugees' strategies: "*Rather than starting from the perspective of a grand economic theory, a livelihood approach looks at where people are, what they have, what their needs and interests are, and it evaluates the strategies they use within the broader political and economic framework to achieve their desired outcomes*" (Vlassenroot 2005: 195). Livelihoods research is also a relatively safe way of investigating sensitive issues in insecure environments (Collinson 2003: 12). However, a frequent problem with livelihoods studies is that the balance shifts too much to the 'creative capacity of refugees', overlooking the impact of legal and non-legal barriers to livelihoods as well as the power relations and politics that are at play. It is this structural context that determines whether the potential of assets can be realised, hence livelihoods research necessitates an appraisal of the enabling or constricting environment. The institutional context is thus considered a vital part of the analysis, but the relevant unit of analysis for this research is the household, as is usually the case in livelihoods studies: "*As King et al. put it, the 'real experts on migration' are the migrants themselves and qualitative analysis of interviews may help us to 'capture the full richness of the human experience of migration'. By analysing the migrants' own experiences and perceptions on the basis of the structural and institutional context of the locality where they live we can conceptualise their 'lifeworld'; that is, the dynamic process through which individual migrants and households 'build' their lives in the destination place*" (Hatziprokopiou 2003: 1034). While I have borrowed various elements of the sustainable livelihoods approach, the traditional framework was adapted, as it stresses too little the particularities of the lives of refugees who were forced to flee their home country and now live in a host region that may not be able or willing to cope with their presence. This adapted livelihoods framework will be thoroughly expounded in Chapter 4.

1.3 Transnationalism and its impact

This livelihoods study will make it possible to look into the links that may exist in between members of the two settlement options (described as an important research gap in Landau 2004), but also between them and family members in other domains of the refugee diaspora, namely the country of origin or a third country. These transnational links can consist of purely keeping contact up to financial support and diaspora engagement on a political level. As such, the study will fill a research gap by not only looking into movements of people but also into connections between and within the different diaspora domains. It is not the researcher's intention to quantify these flows of information and goods, but it is about revealing which kind of transnational activities exist in this case of mass refugee influx, and what the impact of these transnational activities is on the country of origin and the host country. If both the financial and social flows are considered, this viewpoint allows understanding migration as a social process in which migrants and refugees are potent agents for economic, social and political change (Nyberg-Sorensen 2004: 5). By assessing whether and which kind of transnational connections exist, this study will seek to verify the findings of current transnationalism research, which is predominantly focused on the West. Several studies found that durable integration in the host country and stability in the country of origin are necessary pre-conditions for individuals to be transnational actors (Al-Ali et al. 2001; Guarnizo et al. 2003), but both forms of stability tend to be lacking for Burmese refugees in Thailand, which makes it an interesting case for comparison. In addition, the importance of economic transnational activities, and in particular of remittances, will be studied. While the number of studies looking into remittance flows to refugees is growing (Dick 2002; Horst 2002, 2008; Horst and Van Hear 2002; Lindley 2007a), these studies usually select on the dependent variable, which may lead to an exaggeration of the number of refugee recipients. Authors such as Jacobsen (2005: 29) question the importance of remittances for the common refugee, saying that the number of recipients remains very small, while simultaneously adding that the people who do receive remittances are

usually the best off in camp. Therefore, this study will analyse the importance of remittances in this particular case by incorporating questions on remittances in *all* the livelihoods interviews, without selecting respondents on that basis. Moreover, the impact of remittances on Burma will be assessed. This is important as remittances are the new 'development mantra'. Many studies see remittances as a factor seriously influencing the development of a country of origin and, particularly in neoliberal circles, remittances are viewed as an alternative bottom-up mechanism to fund development in the Global South (de Haas 2005: 1277). Other authors seek to balance this euphoria, not in the least because of the burden it imposes on the senders (Datta et al. 2006; Lindley 2007b), but also because of the selectivity of international migration (the poorest do not migrate and thus their families do not benefit from remittances), and because remittances can also be used for the support of armed movements, prolonging conflict instead of contributing to development (Van Hear 2003, 2004). Also political forms of transnationalism can have an influence on (armed) conflict. When activists in cases of mass refugee influx are studied, the 'refugee warrior' phenomenon is usually the only point of interest (see for example Lischer 2000; Terry 2002; Salehyan and Gleditsch 2006). But given the wider variety of social and political transnationalism found in refugee communities in the West (Ostergaard-Nielsen 2001; Adamson 2002; Guarnizo 2003; Waldinger et al. 2008), it will be verified in this study whether these non-violent forms can also be found in cases of mass refugee influx, and if so, what the influence of these activities is on conflict, peace-building and development.

1.4 Integration

While refugees can be transnational actors, at the same time they undergo some level of integration in the host society: "*The deployment of transnational networks as a resource is predicated on reasonably secure attachment to the place of exile, for it is from such attachment that resources and entitlements come: it is hard to*

imagine how resources can be raised — whether for a household in distress at home, or to procure arms for a guerrilla group — from a footloose, transient population without such attachment to place" (Van Hear 2006: 12). Indeed, social capital can be established with co-nationals but also with the host population. A minimum level of integration is necessary for survival, certainly for self-settled refugees who do not have a relief system to fall back upon. In this study, integration has therefore deliberately been lifted out of the general livelihoods analysis and is discussed separately as a phenomenon. As such, it constitutes the third major theme in this research. While there is a large amount of research on the integration of immigrants and refugees, these studies almost invariably focus on their integration in Western countries and the implications for migration policy. Very little information is available on integration in countries in the South, albeit that relative differences in wealth between countries in the South most certainly cause regional economic migration as well. Furthermore, the largest number of refugees originate in the South and do not 'go West', but remain in their area of origin. Even if some literature already exists on the topic of self-settlement and integration of refugees (Bulcha 1988; Kuhlman 1991; Bakewell 2000a; Hovil 2002; Crisp 2004; Kaiser 2006), the issue remains greatly underresearched. It is nonetheless an important research subject as integration is a vital element for the lives of refugees in a host country. Moreover, integration in situations of mass refugee influx is bound to be vastly different than for Convention refugees and legal migrants in the West. The host state often does not have the means to ensure access to services for its own population, let alone for the refugees. In these situations, refugee integration is usually not state-controlled or even discouraged by requiring refugees to stay in camps. This study hopes to contribute to a deeper understanding of integration of self-settled refugees in cases of mass influx in the South, by thoroughly analysing the issue in this and other case studies worldwide, distilling common factors of success. It will describe how integration works, what the influential factors are and if and to what extent Burmese refugees integrate on an economic, social and structural level. Lastly, it will be assessed what the outcome of these integration, livelihood and transnational strategies is for the host

population, since they too need to learn to cope with a changed situation after the refugee influx. The impact of the Burmese refugees on the security, politics, environment and economy of Thailand will be analysed.

While these are the most important themes that this research will go into, the study also touches upon two **debates ongoing in policy circles**. While the questions, methods or findings of this study were not shaped by any particular political interests or institutions, due to my background as a political scientist, I do have a special interest in policy. This interest in policy is very common in refugee studies, which has both benefits and detriments, as Castles (2003: 22) has argued: "*The practical orientation (of refugee studies, ed.) is a strength, since it ensures concern for the human consequences of the phenomenon and prevents any flight into abstract theorizing. But it is also a weakness because it can lead to reactive and narrow research that does not bring about the accumulation of knowledge*". By focusing on the everyday experiences of refugees, on 'what works' in a situation of exile, and then working towards more theoretical insights (induction), I hope to have circumvented the caveat of producing reactive research. The interest in refugee and migration policy had an influence on my work, both in the sense that their impact on the lives of refugees is a red line through-out this book, and that I wanted my work to be relevant and useful for policy, without letting this determine the questions asked. On the contrary, many locally established ideas are challenged, for example by adopting the insights of the migration-asylum nexus debate (explained further on in this chapter) into the setup of this research, much to the irritation of local policy makers, UN and NGO staff and Thai academics. In contrast to the frequent unreflective adoption by refugee researchers of policy labels such as 'migrant', 'refugee', 'trafficked victim' etc. (Bakewell 2007: 7-8), this research challenges these policy labels and considers all the Burmese in Tak province (Thailand) as its research population. The policy category may very well not be the most important determinant of a person's livelihood in exile, which is what this research tries to comprehend, and may not truly reflect the causes of a

person's flight if bureaucratic labels are attributed in a political way. Therefore, focusing on the different forms of migration and settlement as well as the connections between them in a certain area is bound to lead to more holistic insights. At the same time, this disputing of policy labels did not impede translating the research findings into useful material for policy makers in the policy chapter on durable solutions at the end of the book.

The remainder of this chapter will make clear how this research fits into two debates that are related to policy. The first section will briefly describe the transformations in refugee policy that have occurred in the 20th century, and reveals the changing preferences of policy makers in terms of durable solutions. While these durable solutions are not the core of this research, it is still important to go into the subject as I will argue that the worldwide preference for repatriation has obscured other options that may ease the way for progress in protracted refugee situations. In the last chapter of this book, this debate will re-surface in the durable solutions framework developed for Burmese refugees in Thailand. The next debate that will be set forth is the migration-asylum nexus, which is an idea that strongly influenced the setup and thinking of this research. Only these two debates will be discussed because of their importance for this research on life in exile, while other interesting issues such as, for example, the migration patterns and their determinants, or the different legal regimes of refugees and Internally Displaced People (IDPs), were not discussed in detail because they were considered less relevant for this study.

1.5 Repatriation as the best durable solution?

Refugee movements are as old as human history but the idea that the international community should take responsibility for refugees is relatively new. Only in 1921, the League of Nations appointed Dr. Fridtjof Nansen to be the first High Commissioner for Russian refugees. His mandate was subsequently extended to other groups, until the foundation of the International Refugee Organisation in

1947, which was assigned to deal with refugees in the aftermath of the Second World War (Feller 2001: 584). When the extent of this task became clear, it was decided in 1951 to establish a more permanent organisation, the Office of the United Nations High Commissioner for Refugees (UNHCR). The basis of their work at that time was of legal nature, ensuring the entry of refugees in accordance with the **Geneva Convention**. This Convention was approved at a UN Special Conference in 1951, where states decided upon a common definition of a refugee and the status of refugees once recognised as such:

> "*A refugee is a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country"* (UNHCR 2007a).

If a person could no longer receive protection in his/her country of origin, then he/she was entitled to legal protection in a host country. The core principle of protection was (and still is) '*non- refoulement*', which is the obligation of host countries to refrain from forcibly returning refugees to their country of origin if their lives or freedoms could be threatened in that case (Terry 2002: 28-29), as well as to not reject them at the frontier (Goodwin-Gill 2001: 14). This Convention is a landmark, being the only binding and universal refugee protection instrument to date (Feller 2001: 585)[5].

In the first years after its establishment, UNHCR was mostly concerned with refugees in Europe who were fleeing the Nazi regime and afterwards the communist regimes (Feller 2001: 585- 589). Only in the 1960s and 1970s the organisation started working outside Europe, and specifically in Africa that was

[5] Another important treaty is the 1967 Protocol, which removed the restrictions in time and space from the 1951 Convention, in order to be able to recognise refugees who fled after 1951 and who were outside European territory. Apart from these important treaties, the protection regime draws on principles and standards that are brought forward by other international instruments or jurisprudential development, as well as 'soft law', meaning the directives of authoritative international and regional bodies (such as UN General Assembly resolutions) (Jacquemet 2001).

going through the difficult decolonisation process. From that time on, a dual refugee regime emerged (Chimni 1998; Keely 2004). While Cold War refugee flows in the North were largely handled by states themselves, UNHCR became a humanitarian agency working in the South. They gave emergency assistance to refugees hosted in camps or by the local host population, and the objective was to repatriate the refugees as soon as possible since these were seen as a threat to security and scarce resources. UNHCR's role thus shifted from being a guardian of refugee rights to being a manager of refugees. In contrast, in the Northern refugee regime, refugees were accepted on the mere basis of nationality of a communist country (Kibreab 1999b: 388) despite the principle of individual determination. In that context, repatriation was not seen as an option: "*The goal was (…) to induce instability or at least embarrassment and encourage migration. The refugee flows had the domestic political function in Western countries of reinforcing anti-communist containment policy. The costs of resettlement were a small price to maintain political support for a cornerstone foreign policy*" (Keely 2004). It was also a period of unprecedented economic expansion in which the refugees could constitute a labour force replacing the workers lost by war. As a consequence local integration, naturalisation and resettlement were the preferred options in the North at that time.

Since the 1980s considerable changes have occurred. The amount of refugees grew exponentially due to internal conflicts in the South, fuelled by strategies of neighbouring countries or super powers, and because of changes in military strategies. As explained by Erika Feller, Director of the Department of International Protection of UNHCR: "*Human rights abuses and breaches of humanitarian law were no longer by-products of war, but often a conscious objective of military strategy, so that even low levels of military conflict generated a disproportionately high degree of suffering among civilians and massive displacement*" (Feller 2001: 587). As a result of these dynamics, by 1993, 23 million refugees were displaced (UNHCR 1995). Most of these refugees have never travelled further then their neighbouring countries to look for protection, and so the main part of the displaced

civilians was and still is to be found in Africa and Asia[6]. The focus on a combination of refugee camps and repatriation remained, both because host states were unwilling to let these large numbers of refugees integrate, which for various reasons could lead to conflicts, and because there was a lack of sufficient international burden-sharing. In fact, as Betts and Durieux (2007: 517) argue, "*this disjuncture between the normative scope of the two principles governing the existing refugee regime (asylum and burden-sharing, ed.) has meant that proximity to refugees' regions of origin has historically been the principal determinant of state responsibility for protection*". Burden-sharing decreased even more due to the changed geopolitical situation after the Cold War, which entailed that refugees no longer had ideological or geopolitical value to the US and the former Soviet-Union (Chimni 1998). In addition, from the mid-1980s on, there was a decreasing eagerness in Western-Europe to attract foreign workers since the economic expansion of the preceding decades had come to a standstill. Hence, the options of resettlement and local integration were also questioned in the Northern refugee regime, in favour of repatriation and restrictive measures such as visa requirements, carrier sanctions, temporary protection systems, etc. Ideas like '*the safe third country rule*', offshore processing, '*internal flight alternative*', temporary protection and restrictive interpretations of the Geneva Convention have been gaining momentum ever since.

> "*Overall, the climate for the admission, processing and treatment of asylum-seekers is less benevolent today. Refugee issues are often heavily politicized, even sensationalized, for a variety of domestic or political purposes*." (Feller 2001: 590)

As a result of this restrictive climate in both North and South, **'*the repatriation turn in refugee policy*'** became a world trend and the refugee situation was

[6] In 1991, the number of refugees hosted in Sudan alone, was larger than the number of asylum applications received by Western Europe and North America (Chimni 1998: 359). In 2008, the majority of the world's refugees are still hosted by developing countries, even if most of the funding to assist refugees is given by developed countries. Combined, nations with per capita GDPs of less than $2,000 hosted almost two-thirds of all refugees, while nations with per capita GDPs over $10,000 hosted only five percent of the world's refugees (USCRI 2008b).

increasingly seen as a cycle, in which the state decided that 'repatriation to the homeland where the causes of the flight were removed' was the ideal outcome.

What is more, repatriation came to be presented as 'the most humane solution', since it gives refugees the opportunity to go 'home' instead of the 'separation and alienation' in exile (Chimni 1998: 364). As a result, it has been pursued even when it was not appropriate and when the four conditions (UNHCR 1996) were not fulfilled:

- voluntariness, thus return free of pressure, based on an informed opinion,
- fundamental change in the root causes of the flight,
- safety (legal, physical and material),
- dignity.

As Chimni (1999: 5-8) notes, in practice there has been a reinterpretation of the concept since 1993, in which 'safe return' was thought to be sufficient for a movement to be called 'voluntary repatriation'. Host states would decide when the situation was 'objectively' safe to return, to the detriment of the subjective interpretation of the refugee: "*Is it not strange that whereas the element of subjectivity is celebrated when it translates into the spontaneous return of the refugee, it is ignored when it involves a decision to stay?*" (Chimni 1999: 8). There have been numerous premature repatriation moves in which people were not adequately informed on the conditions in their 'home' area or were forced to repatriate by the host country (refoulement), such as the Burmese Rohingya refugees who were expelled from Bangladesh (Amnesty International 2004: 6) or the Rwandese refugees who were forced to repatriate from Eastern-Zaire (Pottier 1999: 142-170) and Tanzania (Hathaway 2006: 6). The problem with premature repatriation is that the refugees concerned will very likely be transformed into Internally Displaced People (IDPs). What to make for example of the fact that ethnic Mon refugees who were repatriated from Thailand to Burma over a decade ago, are still dependent on rations in 'Mon resettlement sites'? After the ceasefire agreement between the Mon rebels (the New Mon State Party (NMSP)) and the

Burmese junta in 1995, it was decided that all Mon refugees had to return to this pocket of relative peace (Lang 2002: 101-124). Thailand was unwilling to further provide refuge to the growing number of Mon refugees, thus these were forced to return, not to their original villages, but to sites controlled by the NMSP. The primary emphasis was thus on repatriation as the goal in itself rather than as a substantive step towards a durable solution. In August 2008, 9407 people still live in five of these sites, less than one km from the border (TBBC 2008a). This premature and forced repatriation thus turned the Mon refugees into IDPs.

Another important caveat with this predilection for repatriation is that it is based on a questionable premise: it is taken for granted that refugees desire to go home. But is this premise correct? For some refugees, their country of asylum might be more of a 'home', or they might prefer to stay because they have more civil rights there. And what about the children of refugees, who were born abroad and have never seen their so-called 'homeland'?

> *"My parents fled Burma a long time ago. They always had to give cows to the soldiers, and had to do portering. There is no justice, you could not protest against it. I was born here (in Thailand, ed.). Now, if someone would compel me to go back, I would kill myself. I want to stay here, even if there were democracy in Burma. I have my own house and land, my own work. I don't have any reason to return".*
>
> (Interview with young Karen man, Mae Tan, November 14, 2007).

Refugees do not stay in a 'state of immutable dependency' when they are in exile, but actively try to cope with their situation and seek linkages with their new environment: "*It is a mistake to assume that becoming a refugee is necessarily experienced as deculturing, deterritorialising, or dehistoricising, or that the connection is necessarily between person and nation, rather than person and area (region, village etc.). Links may be recreated or shaped in new ways*" (Hammond 1999: 232). Refugees reap opportunities to make a living, might learn new skills and develop new social frameworks. Therefore, some refugees might not see

repatriation as upward mobility at all, if they could enjoy better aid and income generating opportunities abroad, better health care and education than they had ever known before, and learned new skills, considering themselves as more 'modern' than stayees (Hammond 1999; Stepputat 1999). And even if within a certain refugee group many prefer repatriation, a minority, the '*residual caseloads*', might want to stay behind for other reasons, such as continued fear of persecution, severe trauma, age, lack of money and these more (Crisp 2003: 5). Refugees may thus face a difficult choice when having to decide on repatriation, which are concerns that are currently sidelined due to the uncritical acceptance of the presumed general desire to return to the country of origin (Dolan 1999: 89-91).

I would go even further and argue that it is exactly this focus on repatriation that, together of course with the enduring conflict in their countries of origin, has led to the lack of progress in protracted refugee situations. After all, the widespread existence of protracted refugee situations all over the world demonstrates that repatriation is *not* a short term option. Still, this repatriation turn has led to a situation in which the two other durable solutions are neglected: "*Repatriation not only has become the preferred durable solution, it is the only available durable solution. Less than 1 percent of the world's refugees are resettled in third countries and almost none of the countries of asylum are prepared to offer permanent status to their refugees. By default, if the number of refugees is to be reduced it will be by means of repatriation*" (Stein 1997: 5). As local integration and resettlement do not require a solution to the conflict in the country of origin, these are the two additional options that need to be looked into in order to achieve progress. Indeed, subgroups within a certain refugee population might be able to benefit from different kinds of durable solutions, so it is essential to do away with the 'one-size-fits-it-all' policy, and enhance choices for refugees. In that vein, it has been interesting to follow up the recent changes in discussion on durable solutions. Since the beginning of the 21st century, the interest in protracted refugee situations has been rising, and the Global Consultations on International Protection led to the establishment of a new ambitious initiative by UNHCR, titled 'Convention Plus'. As a

result, resettlement and integration were reassessed to again become full blown options, next to repatriation. A more comprehensive explanation of this initiative can be found in Chapter 7. Another option for progress in protracted refugee situations is to consider a wider range of intermediate options other than warehousing, such as local settlement (Crisp 2004), assisted self-settlement or generally a more rights-based approach (De Vriese 2006). These options do not necessarily lead to a durable solution, but they allow a certain level of dignity, security and self-reliance for the refugees. It is widely acknowledged that by letting the refugees lead a more productive life, they are better prepared for any durable solution in the future, but this knowledge has yet to be translated in policy.

In sum, the changed global conditions in the 1980s, and certainly since the end of the Cold War, have led to a repatriation turn in refugee policy. As a result, repatriation was represented as the most humane, and increasingly the only durable solution for refugees. However, this is based on a questionable premise that every refugee has a desire to return to its country of origin and has resulted into premature repatriation moves. Moreover, due to the long duration of many (mostly internal) conflicts, this focus has promoted long-term warehousing, to the detriment of more creative and humane intermediate options for refugees as well as other durable solutions that could lead to progress for subgroups of the refugee population.

1.6 The migration- asylum nexus

While up until now I have always talked about refugees, they are of course part of a broader category of migrants, from which they are distinguished based on the causes of their emigration. Migrants are seen as people who are leaving their country voluntarily, mainly for economic reasons, while people who are forced to flee discriminatory persecution or war are called ‘refugees’. Simple models tend to explain the difference between refugees and migrants by referring to push and pull factors, of which the first dominate in the case of refugees, while the pull factors

prevail in decisions of migrants to leave their country. Kunz (1973: 131-137) elaborates further on this, explaining how refugee movements may be not only acute (mass flight), but also anticipatory. Anticipatory flights may superficially resemble voluntary migration, as refugees made rational decisions on whether to leave someone at home to look after the family house, whether to split up and reunite in the host country, bring several assets, etc. (see also Van Hear 2003a: 1). However, closer examination will nonetheless reveal that the push factors are far more important: "*It is the reluctance to uproot oneself, and the absence of positive original motivations to settle elsewhere, which characterises all refugee decisions and distinguishes the refugee from the voluntary migrants*" (Kunz 1973: 130). Even for political refugees, the causes of the flight may not be sudden changes but very incremental ones, until the political climate becomes insupportable. This point, where the radicalisation of political and economic life becomes unbearable, will be different for each individual in society.

In terms of policy, migrants and refugees are treated very differently, with refugees benefiting from an internationally agreed framework of rights and responsibilities that is lacking for migrants (Feller 2005: 28). In principle, *"irregular migrants are entitled to human rights both qua human beings (under international human rights law) and qua migrants (under the existing treaties designed to guarantee rights to migrants)"* (Betts 2008: 7). In practice though, the rights of migrants are less well protected and often transgressed, often without consequences for the state or party concerned. Due to these different frameworks and as the matter is very sensitive, the policy labels are often attributed in a political way. More people will be called 'migrants' if the host country wants to limit the number of refugees, to diminish its own responsibilities and/or to make sure that the bilateral relations with the sending country do not deteriorate. The opposite might happen as well, as was the case in both the Western and communist 'camp' during the Cold War (explained above). In addition, UNHCR and NGOs may yet have other reasons to call someone a refugee or not, which is aptly described in Daniel Kronenfeld's

article 'Afghan refugees in Pakistan: not always refugees, not always in Pakistan, not necessarily Afghan?':

> *"The decision whether to call someone a refugee depends to a certain extent on the goals and perspective of the observer. Is the purpose to allocate food or to chart refugee returns? Is it to reduce host country grievances or to support source country claims? Is it to minimize expenditures or to maximize donations? There is nothing inherently sinister or manipulative about the notion that who is counted will depend in part on the goals of the counter. After all, we count for different reasons. Yet when our figures differ so dramatically from one another, all the while purporting to measure the same category, it is time to acknowledge that the category itself is too restrictive* (Kronenfeld 2008: 58).

Notwithstanding the large differences in international frameworks between the two categories, who is included and excluded in practice when the policy is implemented is thus dependent on a large number of factors.

Despite the analytical distinction that can be made between refugees and migrants and the resulting neat categories that bureaucracies seek to impose (Castles 2003: 17), the differences are not that clear in the field. Since weak economies and weak states tend to go together, people move to escape both poverty and human rights abuses, which makes it very hard to draw a line between 'economic' migrants and 'political' refugees. Consider the following questions: Are all people fleeing dictatorships refugees? What about people fleeing natural disasters or more gradual climate change? If people do not have any livelihood options left, how voluntary is their migration? Do stranded migrants (who cannot move on, stay or return) need protection? The following respondent is called a migrant in Thailand, but is she really?

> "Why did you leave Burma? *We could not find a proper job.* Why not? *Because my mother could not speak Burmese, so we never received*

> *an identity card, we were discriminated. Without that identity card, no one wanted to give us a job. So I came to Thailand 14 years ago, but it is very hard. I was involved in student's work* (euphemism for political activism in this context, ed.*), and my husband didn't approve so he divorced me, and now none of my relatives wants to help me anymore. Sometimes me and my four children have to share one can of rice, because I didn't sell enough fruit that day.*"
>
> (Interview with a Muslim woman from Burma, Mae Sot, December 1, 2006)

In practice it is very difficult to separate forced and economic (voluntary) migration, which is a complexity that is termed the '***migration- asylum nexus***'[7]. Zetter (2007) argues that as a response to these complex reasons for migration as well as new patterns of migration and mixed migration flows, the refugee label has been transformed and politicised through institutional fractioning. A variety of terms have come into existence, such as environmental refugee, development refugee, spontaneous asylum seeker, overstayer, trafficked migrant, irregular mover, illegal or bogus asylum seeker/migrant, etc. While these terms are presented as a bureaucratic answer to the contemporary complex forms of and reasons for migration that cannot be caught in a binary categorisation (refugee-migrant), in reality they have served the purpose of states to legitimise the wider political discourse of resistance to refugees and migrants[8], and limit the number of people who receive the more privileged label 'refugee'[9] (Black and Koser 1999: 4; Zetter 2007; Polzer and Hammond 2008).

[7] In research circles, the term 'migration-asylum nexus' actually has a broader meaning. It signifies not only the complexity of related causes of refugee and migrant migration, but also the similarity of the migratory processes and lives in exile, and the lack of differentiation in national policy responses towards refugees and migrants (Castles et al. 2005: 32; Betts 2006a: 60).

[8] Instead of the past focus in political discourse on rights and entitlements, the discourse is now preoccupied by notions of belonging, identity and citizenship, resulting into exclusion of 'the other'.

[9] From a refugee point of view, the difference between the 1951 Convention refugee status or a temporary or subsidiary form of protection is a very important one, since only Convention refugees enjoy the full amount of rights, such as the right of movement and the right to work. In the European Union (EU) for example, the level of minimum rights for beneficiaries of subsidiary protection is very low and Member States have a wide margin of discretion in their recognition (ECRE 2004).

These labels are important at the policy level because of their different places in (international) law, and they have important consequences for the human security of the persons concerned. But are these categories also that important for research? Even if most refugee scholars are quick to admit that these policy labels overlap, the tendency remains to focus on either refugees or migrants or 'overstayers' or any other category, often to inform policy on these issues, to the detriment of a more complete picture of migration phenomena. A related reason for this selectivity is that funding is often attributed to evaluate a particular policy, instead of accepting that also non-policy driven research may reveal interesting insights, and ... may in fact lead to better policy (Castles 2003: 26; Bakewell 2008a: 433). Therefore, Bakewell (2008a: 450) poses this relevant question: "*When we turn away from UNHCR and others' policy agenda, do we need to identify (label) particular people as refugees or migrants in order to understand the process of movement, integration and so forth?*". As the objective of my research is to understand how Burmese people cope with life in exile in Thailand and how their environment responds to their strategies, I argue that the (already implied) answer to Bakewell's question is indeed 'no'. In order to understand how life in exile, integration and transnationalism occur in practice, it is not necessary for a researcher to restrict oneself to people labelled as 'refugees'. Moreover, in a context such as the one in Thailand, in which all people in camp are called 'refugees' and everyone outside camp is called and treated as 'a migrant' irrespective of their reasons for leaving Burma, I would argue that the policy labels are attributed in an indiscriminate way based on settlement choice. The fact that members of the same household have frequently been found in different policy categories is indicative of this point of view, but the argument will be substantiated further in Section 3.4. Because of these two reasons, other researchers and myself have used the term 'refugee' (and/or 'forced migrant') to refer to the forced nature of exile of a certain research population, while explicitly saying that the term is not used to refer to the Convention, legal or policy category. This does not mean that the policy category does not have an influence on these people's lives, since it certainly does, but simply that the bureaucratic label may not truly reflect the

causes of a person's migration and that this label may not be the most defining element in the experience of exile.

1.7 Structure thesis

The remainder of this dissertation is structured as follows.

Chapter two will explain the choice of case study as well as the methodology used for this research and the dilemmas that were encountered during the research period.

Chapter three will describe the various strings of conflict in Burma and thus the causes of the flight, as well as the resulting migration patterns. Subsequently, Thailand's refugee and migration policy will be set out as well as the consequences of these policies for the Burmese refugees in both settlement options.

In Chapter four, the adapted livelihoods framework will be explained, after which the livelihood strategies of the refugees to improve protection, subsistence, access to property, goods and services, as well as civic strategies will be depicted.

The importance of social capital for refugees will be revealed in Chapter five through a detailed discussion of both integration and transnationalism in various forms.

Chapter six is titled 'Refugees as agents of change', as refugees can have both an influence on their country of origin, through transnational activities, and on their host country. Both types of impact will be analysed.

In Chapter seven, a policy framework on durable solutions for Burmese refugees in Thailand will be developed. This framework will be based on the insights of this study, but is also influenced by a comparison with other cases of local integration worldwide as well as by contemporary thinking about migration, protection and durable solutions such as Convention Plus, the asylum-migration nexus and Karen Jacobsen's idea of a 'Designated Zone of Residence' (Jacobsen 2005).

In the last and final chapter, some general conclusions will be formulated as well as suggestions for further research.

CHAPTER 2: SELECTION OF CASE STUDY AND METHODOLOGY

2.1 Case study: Burmese refugees in Thailand

To answer these research questions, the Burmese refugees in Thailand will be studied. Several ethnic minority groups in Burma have been fighting the central, Burman-dominated government since the country's independence in 1948[10]. The result has been a protracted war in which the ethnic minority civilians are the primary victims. Due to the civil war and the decennia of misrule by the military junta, hundreds of thousands of Burmese people have fled across the border, with the largest diaspora being located in Thailand. As over two million Burmese reside in Thailand, it can rightfully be called a situation of mass refugee influx, which is bound to have a substantial impact on the host country.

This case study is particularly interesting in view of the research objectives, since it concerns one of the most protracted refugee situations in the world, yet a very little known one compared to the bulk of research on refugee settings in Africa. Although refugees continue to arrive every day, the first refugees entered Thailand already in 1984. One

BURMA OR MYANMAR?

In 1989, the junta re-named the country *Myanmar Naing-nga*, along name changes of cities, rivers, populations etc. In some cases, they wanted to 'burmanise' the colonial names, while in other cases the new word resembled more closely the local pronunciation (South 2008: xv). However, the opposition and several Western countries refused to recognise the name change, which means the use of a particular term is sensitive and supposedly immediately puts someone on the side of the opposition or the junta. The name change is enforced inside the country, where most people I spoke to used 'Myanmar', but all the refugees, without exception, used the name 'Burma'. Therefore the term used by the refugee respondents was also used here: 'Burma'. The term 'Burmese' is used for any person born into an ethnic group from/in Burma, while the word 'Burman' is used to describe the people from the largest ethnic group in the country.

[10] Many of these ethnic leaders, in both military and political circles, call themselves 'ethnic nationalities', to emphasise that they are nations and equal members of the Union of Burma, not subordinate to the Burmans. In practical terms though, they are minorities within the existing state (Pedersen 2008: 46).

would imagine that those refugees who arrived decades ago would be self-reliant by now, but the opposite seems to be the case. Whereas until 1995 the refugees were mostly self-sufficient, with only minimal NGO-support, due to the deteriorating security situation in 1995-1998 an encampment policy was enforced and these refugees became increasingly aid dependent. However, the majority of the refugees have never lived in the camps, which makes it intriguing to look at the differences in assets, livelihood strategies, and vulnerabilities. Also the mere fact that the refugee situation is protracted is bound to lead to a high extent of diversification within the refugee population in terms of levels of integration and transnationalism. Moreover, studying transnationalism within this diaspora community that still lives in close proximity of their country of origin can serve to complement transnationalism research in the West, which is important given that conflict-affected refugees more commonly stay in the region.

Studying this case will fill a research gap since up until now surprisingly little primary academic research concerning these refugees has been conducted, one reason for which is that the Thai government is very taken aback to allow research on the refugees (explained in Section 2.2.2). Nonetheless, some scholars from various academic backgrounds have conducted research on the Thai-Burmese border, focusing on issues ranging from identity and culture in some of the camps and the border region, over ethnic politics, to Thai refugee and migrant policies and politics (Sandra Dudley, Hazel Lang, Ashley South, Christina Fink, Alison Vicary, Supang Chantanavich, Premjai Vuhngsiriphisal, Carl Grundy-Warr, Nancy Eberhardt, Lisa Brooten, Pia Vogler). However, none of these academic studies or other studies by non-governmental organisations (NGOs) or Community-Based Organisations (CBOs) have sought to compare the livelihood strategies of refugees in the different settlement options, or have looked into integration issues or the transnational connections instigated by the refugees. Usually, studies carried out by CBOs or human rights organisations focus on the causes of the flight and human rights abuses, and to a lesser extent on the Thai restrictions on foreign labour, to serve advocacy purposes, but they often fail to make a thorough analysis of the

interests at stake. Moreover, also in this context, there is a tendency to only focus on one particular policy category (such as IDPs, migrants, refugees or hill tribes), or on one ethnic group (for example the Karen, the Karenni, the Shan or the Rohingya), to inform policymakers or because of funding or advocacy for that particular group. However, given the fact that households can be split up across different policy categories and the importance of ethnicity for various reasons, it is deemed more appropriate to conduct research across the various groups, as was argued before. This can lead to more holistic insights into how these groups function, how they are related and how different solutions may apply to different subsets within these groups.

A practical reason why this case study was selected, was the background I already had in this region. My master's thesis was an analysis of the strategies of the military regime in Burma and the use of sanctions to influence this regime (Brees 2004), after which I received the opportunity to do an internship in the Press and Analysis Unit of the United Nations Office on Drugs and Crime (UNODC) in Rangoon, Burma (October 2004 – April 2005). As a result, I already spoke some Burmese, was somewhat familiar with the (Burman) culture and its sensitivities, understood the causes of the flight, and had contacts on both sides of the border, all of which was bound to help in setting up and carrying out the research.

2.2 Methodology and personal experience field work

2.2.1 Methodology

After an extensive literature review, an initial field study was conducted from June 15 through July 14, 2006, for stakeholder consultation and networking on the Thai-Burma border. Some preliminary field work was conducted to assess the following issues (Westley and Michalev 2002):

- What are potential access problems?

- What are the best ways to approach communities and households?
- Which questions are appropriate given the current sensitivities?
- How can I find reliable interpreters?
- What are the security considerations for the people I work with, the respondents and myself?

Additionally, the Karen Refugee Committee (KRC) in Mae Sot and the Karen Women's Organisation (KWO) in Mae Sariang were informed about the research project.

This short-term visit led to further analysis of secondary data obtained from partners in the field, followed by a more extensive field study from November 12, 2006 through February 16, 2007. During this period, a baseline survey on livelihoods was conducted. The preliminary questionnaire was first presented to several key informants to assess the sensitivity of the subjects[11], and subsequently tested in one refugee community, each time leading to minor adjustments. Subsequently, sampling sites were selected purposefully, meaning that they were not selected to be representative of the whole population, but to capture the diversity of livelihoods of refugees[12]. Certainly self-settled refugees were difficult to sample for reasons that are not particular to this case: they are widely distributed within the general population, there are no registers to facilitate systematic sampling and they may be reluctant to divulge personal information[13]. The various groups of refugees were supposed to function as control groups for each other, since one can only draw conclusions on, for example, the safety in the camp, if this is compared to the safety of the refugees or the local population outside camp

[11] In a case study where even the name of the country of origin is sensitive and puts you in the junta or opposition camp, it was vital to ask other people to read the questionnaire and predict potential problems.

[12] This is common in livelihood studies, see e.g. Dfid (2000) or Westley and Mikhalev (2002).

[13] When I was doing research on self-settled refugees in the Umphang area in Thailand for example, my interpreter and I went up to a house of which neighbours said it was inhabited by refugees. Asking the woman in the garden though, she denied being a refugee and said she was Thai Karen. Later that evening, she came knocking on our guesthouse door, in the company of her husband, asking whether we would like to come for an interview the next day. They had heard from other people in town that 'the interview was nice'. Hence we were lucky that they felt like talking after all, but this is obviously not always the case.

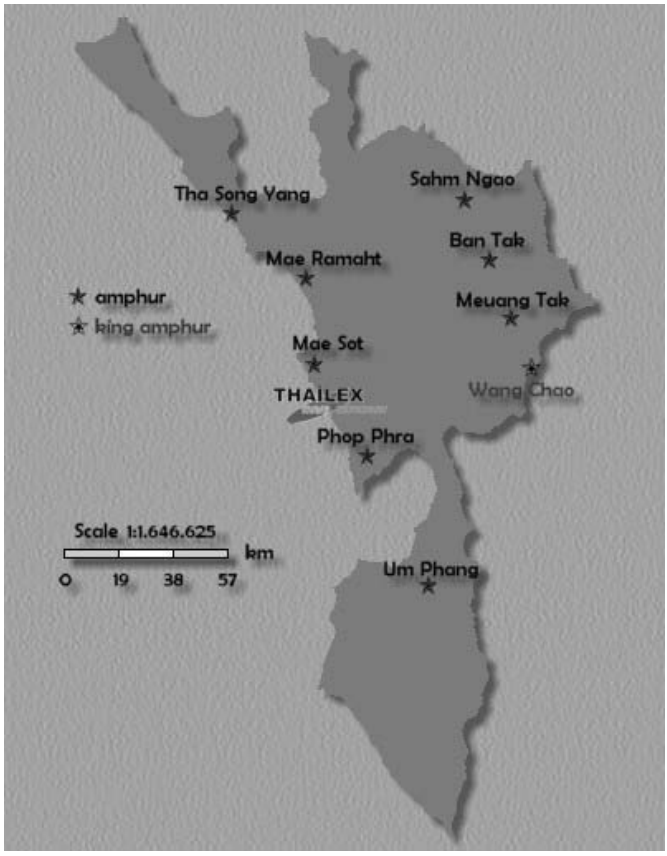
(Jacobsen and Landau 2003: 11). Within each site, I spoke mostly to 'normal' refugees, in order to reveal 'non-elite' strategies to cope with life in exile (Vlassenroot 2005: 194), but of course also key people were interviewed, such as community leaders, refugee committee members or camp leaders. In addition, open and semi-structured interviews were conducted with staff from CBOs, humanitarian personnel, academics, consultants and diplomats. To obtain information on the importance of remittances, questions on remittances were incorporated into the livelihoods interviews if relevant, meaning if the person had family or friends in other locations of Thailand (internal remittances) and/or outside Thailand (international remittances). Both remittance senders and remittance receivers were considered as having relevant information. The reason that remittance senders and recipients were not selected purposefully is simply because there are no lists nor official offices to meet them (in contrast to cases such as Somalia or Afghanistan), as well as because sampling on the dependent variable, in this case remittance senders and receivers, tends to lead to a biased view on the importance of remittances in terms of volume. Additionally, interviews were held with remittance carriers in Mae Sot.

The last field research period (September 11 – December 16, 2007) focused more thoroughly on integration as well as transnational activities. I specifically tried to keep my eyes open for 'success cases', for what worked in the sometimes dire conditions both inside and outside the camps. This implied that I needed to identify and select refugees who were doing well, in terms of access to financial capital but also in terms of social and structural integration. Therefore additional sites were selected in areas inhabited by people ethnically related to the refugees and as such more prone to successful integration cases (Fielden 2008). In addition, some interviews with Thai people were held to assess the view of the local population concerning the impact of refugees on the region.

During both research periods, a small number of deep interviews were also conducted with political activists and former political prisoners in Mae Sot, Mae Sariang and Nu Poh camp. As such, the researcher could get a clearer view on their

protection and livelihoods issues both inside and outside camp and on the variety of political transnational activities.

Map 3: Tak province



Source: www.thailex.info.jpg

Map 4: Refugee camps on the Thai- Burmese border

Source: UNHCR (July 2008)

Camps were selected based on remoteness and ethnic diversity in camp, while areas for self-settled refugees were chosen on the basis of urbanisation and presumed integration level, as these characteristics were assumed to have a lot of influence on livelihood strategies and options. Given the diversity of the migration waves and the particular circumstances for each ethnic group and in each Thai province, it was decided after the second period of fieldwork to focus on the camps and communities in the five border districts of Tak Province and close surroundings.

Tak province is a large border province of Thailand (16,406 km²) and is very mountainous. In 2006, 490,486 people lived in Tak, of which 163,000 from an ethnic minority group (NESDB 2007). The area is one of the least densely populated

of Thailand (UNDP 2007: 108). It shares a long boundary with Karen state in Burma, which has been in a state of civil war since 1948. As a result, the majority of the war refugees cross the border into Tak. The area is host to three refugee camps. One of these camps is Mae La, the largest camp on the border, the other ones are Umpiem camp and Nu Poh camp. Of these three, Mae La is closest to the regional town of Mae Sot and easily reachable due to its location along a provincial highway. Nu Poh on the other hand is located in a remote rural area in the far south of the province, locked in by a National Forest Reserve in the south. The closest regional town there is Umphang. Nu Poh is an interesting camp because of its remote location and because in 2006 all of the urban political activists remaining in Mae Sot were ordered to move to this camp. These are people from different ethnic origins, who know the life outside camp very well, hence they are in a privileged position to compare the two settings. Another camp, Mae Ra Ma Luang, was selected before the decision was taken to focus solely on Tak province, because it is very remote (it cannot be reached by trucks in the rainy season and it can take up to six hours to get there by 4-wheel drives), which was bound to have a large influence on livelihoods. It is very close to the border, and is on the verge of Tak province and Mae Hong Son province, a bit of a 'no man's land' as a local NGO staff member called it. Moreover, it is nicknamed the '5-star camp' because the camp houses many rebel leaders and their families, and as such it supposedly functions more smoothly and receives more attention than other camps. It is also overwhelmingly ethnically S'ghaw Karen as opposed to Mae La that has large minorities of Burmans and Muslims and as such has more ethnic tensions. Therefore, the findings from this camp were considered an interesting case for comparison, despite the fact that only one section of the camp is located in Tak province. These three camps were the ones looked into, and details about the camps can be found in Appendix C.

Mae La camp

Communities with self-settled refugees were selected with the help of interpreters, CBOs and NGOs who were working with 'migrant' communities, or shopkeepers trading with mixed communities. They merely helped with locating the sites, and did not in any way facilitate access to the sites, as this might have influenced the respondents' view of the research[14]. The selected sites with self-settled refugees

[14] The only exception to this rule were Phop Phra village and Sam Sip Sam village, when I joined a 'community liaison worker' of an international NGO on her day tour.

selected were: Mae Sot (city), Kyaw Taw (rural), Ba San Khwe (semi-urban), Mae Pa (urban), Phop Phra (rural), Sam Sip Sam (rural), Umphang (city), Ban Pa La Tha (rural), Mi Klo Khi (rural), Nusipo (rural), Umpiem village (rural), Kijuhan (rural), Tipla (rural), Mae Ramat (semi-urban), Nong Luang (rural), Tha Son Yang (semi-urban) and Ban Mae Ou-su (rural). Some of these villages consisted only of 20 households while other villages were larger, with over 200 households. This obviously had an effect on the number of people interviewed and the time spent in the village. In some villages such as Mae Pa, where a lot of people worked in factories, there was only a short time frame during which people could be interviewed, namely between normal working hours and overtime work, and on Sundays when they were not in church nor in the monastery. Therefore it often took several visits before enough interviews were conducted ('enough' meaning that no additional information came up).

Within the sites, respondents were randomly selected, and semi-structured interviews were conducted with the help of a carefully selected interpreter[15]. Time was taken to learn how each refugee came to be living where they were, when they arrived, why they chose that particular settlement place and whether or not they were considering alternatives. Subsequently, the different forms of capital were assessed: financial capital, but also physical, natural, human and social capital. This baseline survey was used to get a good picture of livelihoods of Burmese refugee households[16] in different settings, as well as to gain a better view on their perception on issues such as 'the best durable solution', who they considered to be refugees etc. In total, 153 refugees were interviewed in these sites. Specific care was taken in order to have a balanced sample in terms of gender, age, ethnicity and religion. Unlike other researchers (e.g. Mulumba 2007), I

[15] The questionnaires can be found in Appendix A and B.

[16] While thus only one person per household was interviewed, it was always asked how many family members they had, who the main income winner was and what that person did, what the other sources of income were, if there were family members in other locations in Thailand or still in Burma or in third countries, etc. That way a more complete picture of 'the household' could be formed, which in this case was usually the co-residents (all those living in the homestead on a daily basis) and the people in other areas or countries who may remit money. These two groups together can also called 'the mutual support unit' (Ellis 2000: 20), but the term 'household' was kept in this paper to describe the unit of analysis.

did not encounter problems when trying to interview women and even when the husband was present and I offered them the choice in who would respond to the questions, they frequently decided together that the woman would answer the questions. A profile of the refugee respondents can be found in Appendix D.

The focus on Tak Province did in practice lead to a focus on Karen camps, and mixed Thai-Karen-Burman communities outside camp, as the two Karenni camps are located in Mae Hong Son Province and Shan refugees tend to live in Mae Hong Son and Chiang Mai Province. The narrowing down of the geographical focus in practice thus led to an overrepresentation of ethnic minorities and in particular of the Karen in the sample, compared to their percentage in Burma. However, this is not problematic, as the ethnic minority groups are more prone to fleeing due to the protracted civil war in the border zones where they live, with some of the heaviest fighting in Karen State. Still, care was taken to ensure that issues that were prevalent to minority groups in the context of exile (e.g. Muslims) received particular attention. Moreover, the limits of the research are clearly indicated for each subject.

Triangulation of the obtained information was considered essential during the whole research period and occurred in several ways:

- through the use of divergent research techniques such as focus groups (in total five were conducted, usually not pre-arranged but when the occasion arose), Participatory Rural Appraisal techniques (transect walk, map drawing) and participant observation[17]

[17] Participant observation is a form of ethnographic research that aims to get a closer familiarity with a certain group through intensive involvement with the people in their natural environment. Participant observation adds the dimension of personally experiencing the same everyday life as those under study (Brewer 2000: 58-63). Due to the long presence in the field, I was able to spend a lot of time with refugees both inside and outside camp, also outside the more formal framework of interviews. During that leisure time, I participated in the celebration of national holidays, religious events, and birthdays as well as in 'ordinary' events such as lunch or dinner. Spending time in homes of refugee friends, I was able both to participate in their life and to be an observer, noticing what family members were actually present in the camp or what kind of food they could afford and suchlike, which served to triangulate the information of the interviews.

- conducting interviews with employees from Community-Based Organisations (CBOs), humanitarian personnel, academics, consultants and diplomats
- informal conversations during the several months of presence in the field
- comparing the results with other studies and data in reports produced by Burmese diaspora groups
- regularly asking key informants in the region for feedback on written papers

The emphasis of this research was thus on qualitative data. These qualitative data and the longer time spent in these communities increased the construct validity of the research (Jacobsen and Landau 2003: 8): "*While there are potential problems with the reliability of the data, including whether refugees are telling the researcher what they think s/he expects or wants to hear, it is likely that over time inconsistencies will be revealed*". Additionally, some questions were posed to every refugee, which provided quantitative data of the small sample. These data were tabulated with the SPSS programme, using a code sheet developed by the researcher. While the quantitative data were obviously not representative for the whole refugee population, they did inform the researcher on the balance of the sample and were useful to help verify analyses made.

2.2.2 Difficulties encountered at different stages during the research period

Evolution in the field

This study has undergone several changes during the four years of research. As mentioned in the introduction, the initial research subject was to investigate repatriation possibilities of refugees, which could not be further pursued due to the breakdown of the ceasefire agreement. Also the context on the Thai side of the border has changed considerably on some important points. The largest impact

came from the decision of the Royal Thai Government (RTG) in 2005 to allow resettlement of all camp refugees. This had a large influence on the views of the camp refugees with regard to preferable durable solutions, and acted as a pull factor, which in turn had a large influence on new asylum requests. A second major change was the continuous shifting of governments in Bangkok, due to the ousting of Prime Minister Thaksin Shinawatra and the subsequent years of turmoil, which each time led to uncertainties about policies. While the Thaksin government for example gave permission to the NGOs to start exploring options for refugee work outside the camps, the subsequent military government reversed this idea and said that Thailand was not ready for this kind of border development. Thirdly, international and donor attention also altered during these years. The 'Saffron revolution' in September 2007 and the passing of Cyclone Nargis in May 2008 again put Burma (and its refugees) at the centre of international attention. Simultaneously, the anti- warehousing campaign of USCRI raised attention worldwide to the negative consequences of long term encampment. These events together with increasing donor fatigue led to a pressuring of the NGOs in Thailand to improve the self-reliance of the camp refugees, instead of the care and maintenance programmes. As a result, the number of livelihoods (and other) consultants multiplied quickly from 2006 onwards, and pilot projects to improve refugees' access to work and financial capital were set up, which was a large transformation compared to the situation in 2005 when I first visited the border area. While changes like these must occur in every long-term research, they are rarely made explicit and it is often portrayed as if every aspect of the research went according to the original plan. However, I am certain this is rarely the case and therefore I chose to explicitly mention the major changes this research had to deal with throughout the study period.

Evolution as a researcher

Not only were there some important changes in the policies towards refugees during the research period, I also evolved in my thinking as a researcher in the

process. Apart from the basic idea of comparing livelihoods of refugees in two settings, I did not have a general theoretical framework at the start of the research. Instead, questions and hypotheses were constantly developed and re-shaped throughout the fieldwork (induction). The integration factor came to the forefront due to the contacts with refugees, not the other way around. Of course, the material read also affected the thinking process, which resulted in an additional interest in the transnationalism debate and the need to shed more light on the dynamic transnational aspects of refugees' activities. This completely fitted in with the decision to focus on 'what works'. I had heard in psychology class about the danger of being dragged into the pessimistic stories of a patient, thereby losing the objective, more positive perspective. Afterwards, when I started reading about refugees, one of the first debates encountered was the dependency syndrome debate. Despite this knowledge, during the first field research I merely recorded what refugees told me. When typing these interviews out, it struck me how negative they were, and how many problems they had to endure. Only then did it occur to me that it was in their interest to portray it like that, and that I had to look differently upon these interviews. Even if livelihoods data already focus on agency, It took a change in my perspective to re-evaluate the previous data and not see them in the light of how they were told, namely as problems, but rather as strategies. I also realised that I actively had to probe for more successful strategies, and in that sense it was very helpful that I was not associated with an NGO who could potentially withdraw rations based on the answers of respondents. The explanation of the purpose of the research before asking for consent[18] with the interview (face-to-face consent since many refugees are illiterate), and the confidentiality of the interview as no names were recorded, also helped in generating trust and more truthful answers.

[18] Definition of informed consent: "*The concept of informed consent refers to a person's ability to agree freely to participate in an activity in which (s)he adequately understands both what is required of him/her and the 'cost' or risk to him/her"* (Wolfensberger, as cited in Mulumba 2007: 67).
While I have explained the purpose of my research before each interview, it is not certain that people have always fully understood: "*We claim to have obtained informed consent. However, that is not possible for every bit of information we collect. Nor, communication being difficult at best, can we be assured that, despite our strongest efforts, people really understand what we are going to do with the information they entrust to us when we ourselves do not always know this at the time we begin our fieldwork and obtain 'informed consent*" (Krulfeld, as quoted in Bakewell 2008a: 448).

Practical problems

Several practical problems were encountered during field research, many of which were foreseen yet difficult to resolve. The most important difficulty was the impossibility to obtain a research visa. The literature review clearly revealed the unwillingness of the RTG to disclose information on refugees (for example Lang 2002), and the stubbornness with which researchers and journalists were treated when they wanted to write about the refugees: "*These security spaces (camps, ed.) have been off-limits areas for unauthorized activities, including the production of knowledge. (...) Only certain appropriate subjects are qualified to look, to judge, and to decide about them*" (Tangseefa 2007: 243). During the explorative first field research, I passed by at Chulalongkorn university in Bangkok, to assess the possibility of working with one of their researchers, and to get their opinion on whether and how to get a research visa. Unfortunately, they told me that even Thai researchers did not receive an official permit for the camps but had to work through international NGOs and they actively discouraged me to apply for a research visa because 'it would never work' and put me in the spotlight of the authorities. Furthermore, none of the researchers spoken to wanted to even consider thinking about the people outside the camp as refugees, which of course was problematic if one of them was ever to work with me on the proposed subject. Therefore there was no other possibility than working with a tourist visa, which allows a maximum of three months to be spent in Thailand in a six-month period. It was possible to get minor extensions for this period. In retrospect, the experience of returning several times instead of staying for one long research period was considered very positive and potentially more rewarding. It meant that I could go in several seasons, which is important for livelihoods studies, and it helped in establishing trust with both NGO staff and refugees whom I had visited before. They apparently saw it as a sign of devotion to the research and were more eager to come up with new information and help with logistical problems and the like. From my side, it was good to withdraw from the field, to analyse the current data

instead of constantly getting new data, read more academic articles on subjects that came up, discuss findings or problems with my supervisor and identify gaps that needed to be addressed in the next field research. As Fog Olwig and Hastrup (cited in Horst 2006c: 10) argue: "*If the world is seen as a place where moving and dwelling are in constant interplay, sites are not only experienced by merely being present in them, but also by leaving them behind*". Later on, it also became clear that I had made the right choice of not getting a research visa, when at a certain time a Thai district officer facilitated an official interview for me with the Palat (the Thai Director) of Mae La refugee camp. During the few hours spent in camp that day, a soldier accompanied me the whole way, which would have severely jeopardised answers of respondents on a sensitive subject such as illegally working outside camp.

The second problem was to get access to the refugee camps by obtaining a camp pass. I was told that the only possibility to get such a camp pass was through international NGOs, who then have to pull strings to get an approval from Bangkok. The first contacts made at the CCSDPT (Committee for the Co-ordination of Services to Displaced Persons in Thailand; monthly co-ordination meeting for all NGOs working in the refugee camps) meeting in Bangkok were not promising as no one appeared even closely interested in facilitating my entry. Later it became clear that NGOs preferred not to be associated with potentially critical reporters because of specific guidelines from the Ministry of Interior: *"The NGO must be a small agency whose objectives and activities are in line with Thai government policies*. *There is to be no publicity about the provision of assistance*" (statement by Phromlert, Deputy Permanent Secretary of the MOI, May 23, 1994, quoted in Lang 2002: 92). Thompson (2008) confirms this, saying that the Thai government has only allowed NGOs to start working with Burmese refugees if they would do nothing to raise the refugees' profile or which would encourage more refugees to pour into the country. If critical reports do appear, the RTG actively seeks out who facilitated entry for that journalist, which usually results into severe problems for the NGO concerned, as for example Shoklo Malaria Research Unit has experienced

in the past[19]. Therefore, none of the NGOs were eager to help a young independent researcher with access to the camps. Even if tying myself to a particular NGO and becoming a kind of intern might have helped, I did not want to be associated with one NGO as it would increase the refugees' discomfort and fear to make evident their own individual and collective efforts to sustain and plan for themselves: "*They believe that the UNHCR will mistake their resourcefulness and hard work for lacking the need and the eligibility for protection and support*" (Al-Sharmani 2004: 30). Moreover, I did not wish for the research results to be somehow restricted; while the CCSDPT meetings are organised to facilitate the exchange of information, in practice a lot of information is held purposefully within the different organisations. Indeed, this was yet another problem encountered when trying to obtain the results of research carried out by the NGOs and UN agencies themselves (for example the Age Gender and Diversity Mainstreaming results).

Once I was in Mae Sot however, my contact network grew exponentially and one befriended high-level NGO staff member believed in the research proposal and facilitated a camp pass without strings attached. I am still very thankful to him and his organisation, but will not mention their names as I do not want to jeopardise their project in any way. Apart from the camp passes, I also needed the cooperation of NGOs for transport to some of the camps, in particular for Mae Ra Ma Luang and Nu Poh, as these were very difficult or impossible to reach with public transport. Luckily this worked out through the established network. But even then, I would leave the vehicle immediately after entry in the camp. I thus made a different choice than colleague Pia Vogler (Oxford University), who chose to be affiliated with an NGO but encountered numerous problems because of that (Vogler 2007), and in the end decided to focus on Thai Karen people in her research. The difficulty in getting access to these camps with the mandatory camp passes and imposed curfew, next to the difficult geography of the border, results

[19]For the same reason, even most NGO staff members asked not to reveal their names in my work, as they were afraid of problems with the RTG or to end up on Burma's blacklist of 'external destructive elements', endangering any work for which they needed to travel inside Burma (see also Brooten 2003: 86-90).

into an under-researched situation in comparison to other camps such as the ones in Kenya. To counter this, I agree with Vogler's conclusion that difficult access should not hold researchers back: "*I propose that research should not depend on smooth access if the objective is portraying the diversity of living conditions in protracted refugee situations. As refugees are finding their 'way out' of camps, we have to be similarly innovative in finding our 'way in' by manoeuvring skilfully through bureaucratic jungles*" (Vogler 2007: 59).

Once access to a certain site was established and respondents were selected, the interview was be facilitated by an interpreter. However, interpreters were not easy to come by, as a lot of factors had to be taken into account. The interpreter needed to be able to speak at least S'ghaw Karen, Burmese and English, and if possible also Pwo Karen and Thai. Obviously, people who have these skills are heavily counted upon by their community and international organisations alike. Moreover, many of these skilled people were somehow linked to the ethnic power structures, so I had to be careful not to employ someone with too much authority, who would scare respondents. In addition, there are tensions in between the different ethnic groups and between the refugees and the Thai people, thus the selected interpreter could very easily have a large influence on the answers (reactivity). And apart from those hazards, most interpreters were somehow part of the refugee community and thus lacking Thai identity cards, which made travel difficult and risky (this is one of the ethical problems discussed further on). In hindsight, there was one theme that would unite most of my interpreters: they were Karen, young (thus having less their own agendas and being considered less threatening in combination with myself: a young, female, white researcher), had been in Thailand for ten years or longer and had followed the post-10 Special Education Programme (SEP) and/or the English Immersion Programme (EIP) of NGO World Education. Several of them indicated afterwards how their view had changed because of the interviews, as beforehand they had no idea that there were so many refugees – fleeing for the same reasons as the interpreters or their parents had – living outside camp. Long discussions also arose with Thai interpreter Sofia, who struggled between the idea

of refugees as victims and the local perception of refugees as perpetrators of crime and people spreading diseases. These discussions with interpreters proved very useful in verifying the information obtained from the formal interviews. But of course, some issues get 'lost in translation'. The word 'refugee' for example does not exist in Karen or Burmese. When I was assessing the perception of the respondents themselves about who 'the refugees' were, very strange answers were sometimes given, like: "*Yes, we are refugees because my son broke his arm and back and it doesn't get better and in Burma we can't afford to go to hospital" or "All the Burmese people in Thailand are refugees. Well, except for the students, the political activists in camp. They are not"* or "*All Burmese people inside and outside camp are refugees. But some people have lots of money, they are not refugees*". Therefore, I asked my interpreter to translate the word she had used, back into English: the word 'Bwar Bah Gho Bah Kay' is used in Karen for 'refugee' ('Dukkha-the' in Burmese), meaning 'person with problems' or 'person in trouble'. Of course, many people would qualify as a refugee then.

Another issue was that I wanted my work to be relevant:

> "*Social scientists whose research focuses on humanitarian or forced migration issues are both plagued and attracted to the idea that our work be relevant. (…) Compared with non-humanitarian fields, there are relatively few studies that do not conclude with policy recommendations for NGOs, the UN or national governments. In part, this policy orientation stems from our subjects, whose experience of violent conflict, displacement and human rights violations inhibits us from treating them simply as objects for research. Many of us take seriously David Turton's admonishment that research into other's suffering can only be justified if alleviating that suffering is an explicit objective*" (Jacobsen and Landau 2003: 1).

This is the dual imperative of refugee research, as Jacobsen and Landau call it, and while not every forced migration researcher agrees with this statement of needed duality, I did feel the need to conclude with a policy options chapter, while

simultaneously challenging policy labels. Even more, I wondered if there was nothing that could be done in the shorter term, something 'practical' instead of only asking questions for a paper that respondents would most likely never read. This contradicts with the detachment usually asked of academics; detachment which supposedly leads to more objectivity. However, like Cindy Horst (2006c), I consider it impossible to be detached or to remain indifferent to stories of fleeing in Burma and then having to hide again in Thailand – especially when at the same time one, as a researcher, shares the experience of crossing national and cultural boundaries, but with the large difference that one is safe. Being involved entails learning and understanding why some events occurred as they did, how communities function, who the powerholders in a certain locality are, etc. Therefore I was an active participant at times, organising a Christmas celebration for over 200 orphans and self-settled refugee children, celebrating Karen Christmas and New Year, collecting money with speeches and lectures in Belgium for a hospital on the border, etc. Only once did a difficult occasion arise, when I was asked by a desperate owner of a safe house to show up at a police raid to prevent unlawful seizure of goods and arrest of underage refugee boys in the safe house (who might not survive conditions in the immigration detention centre). It was a difficult decision that had to be made in a matter of minutes as the trucks to load up the unregistered refugees were already on the spot. I had to weigh up the practical help I could offer at that particular moment to this respondent and his admirable project (the simple presence of a foreigner was bound to lead to more appreciation for the law) and the fear that I would be put in the spotlight and thereby potentially jeopardise the research. I decided to go along. The two boys were already in the truck however, thus only the seizing of material goods was prevented by my presence. Later that day the safe house owner paid his entire month's wages, 5000 Thai Baht (THB)[20], to bribe the police in releasing the two minors. With this episode, I want to demonstrate the difficult emotional decisions one has to make during field research, which is often kept quiet in research papers. The occasional participation did not lead to the other extreme end however: at no

[20] In January 2009, one $US was worth about 35.5 THB (www.oanda.com, January 12, 2009).

point did I become an 'activist researcher' whose research wants to prove what advocacy is aiming for – unlike much of the research on this border. This is the real imperative for academic researchers, being engaged instead of detached if preferred, but without letting this influence your research in one particular direction.

Ethical dilemmas

This episode brings me to ethical issues encountered during the course of the research, many of which are related to the problems mentioned above. One issue that I have been questioned on at conferences is the lack of a research visa, the reason for which is explained already. As a result, I did not have the consent of the authorities to do this research, and sometimes I entered Mae La camp through the same paths the refugees left as I did not want to over-demand my NGO contacts if unnecessary. As the research would not have been possible otherwise, and I did not jeopardise anyone but myself in acting as I did, I personally do not consider this an ethical problem. It is the only way the research could be conducted in such a 'sensible terrain', which is permeated by social injustice and/or violence and is instable and therefore does not allow for orthodox ethnographic research (Bouillon et al., as cited in Vogler 2007: 52). The presence of third-party institutions in these sensible terrains may impact considerably on the dynamics of the field research, thus I decided to avoid both humanitarian agencies as well as state and non-state actors as much as possible.

The largest ethical issue was that of raising the expectations of respondents, by asking refugees which strategies they applied and what their biggest problems were, and subsequently not responding to particular requests. Therefore it was made clear at the beginning of each interview what the purpose of the research was and that there would be no immediate support for participating in the interview. They were told that the intention was instead to give them the opportunity to talk freely about their problems and potential solutions that they envisaged. As a result, when asked at the end of the interview whether there was

any other issue they wanted to talk about, many refugees mentioned the relief of being able to talk. When being asked then if there was anything they wanted to ask me, many were happy to get some answers on fact questions they had been struggling with for an extended period of time (for example on resettlement procedures). Based on the advice of Eh Soe, my initial interpreter, I did give some soap or candy for the children to the respondents at the end of the interview, but this was not really a reward for the long time spent in their house but rather to show gratitude, and they were not pre- informed of this.

A second problem foreseen was that the questions would make them revive hard moments during the flight. Therefore, I tried to limit detailed questions regarding their lives in Burma and the actual flight since this was less relevant for a research focused on life in exile anyway. In hindsight, this did result in a shortage of complete life histories.

Thirdly, there was a problem due to the fact that self-settled refugees are for the most part considered an illegal population, and that my presence would reveal their location. However, in Tak province the refugees are very numerous and people know exactly who is originally Thai and who is not. Therefore the police was bound to know about their existence and location without my presence as well. Still, the precaution was taken not to record the respondents' names, in case that files would be seized (by Thai police or Burmese intelligence), and I tried to use local transport to draw as little attention as possible. In addition, there was a problem with travelling with interpreters, as they were part of the refugee population and in principle were not allowed to travel. Passing fixed or mobile checkpoints could thus result into arrest and deportation. As a solution to this hazard, multiple interpreters were used depending on the location. Only when they spoke Thai and had a coloured identity card, was it decided together if and when they could travel along. For the same security reason (and for budget reasons), it was decided early on that no risk could be taken to hire research assistants who would need to travel alone.

A final ethical issue was the possibility that the information provided by my research would be misused, for example to diminish rations, to enhance curfews over camp, and these more: *"Studying and documenting these 'weapons of the weak', on the one hand, illustrates the limitations and false bases of the institutional restrictions and recognizes the migrants' 'agency'; on the other hand, it might provide the same restrictive institutions with ammunition for tightening their systems even more"* (Polzer and Hammond 2008: 429). However, everyone working with refugees, whether that is a UN official, NGO staff member or a Thai soldier, knows that the refugees cannot survive on rations alone and see them leave camp every day. There is a 'laissez-faire' attitude, as every stakeholder knows the risks and benefits related to this practice. Furthermore, to minimise the risk that any of the people who were kind enough to participate in this study come to any harm because of their cooperation, no names were recorded, thus the information collected cannot be traced back to individuals. As the NGOs are looking to improve the self-reliance of camp refugees on donors' demands, I hope that the findings of this research can lead to more informed action. There is no doubt that the life for refugees is extremely harsh in the various locations, and that they need help, despite their inventive strategies. Therefore, I hope that this research will help improve refugees' lives and not be misused to make the conditions even harder.

Limitations of study

The limited amount of academic work in this case made it very difficult to prepare this research beforehand. Everything had to be arranged and decided on the spot, through networking, without a team or assistant-researcher as a back-up. The difficult access to the camp refugees (for administrative reasons) and to the self-settled refugees (due to dispersal, fear etc.) proved very challenging, and a lot of time was consumed in trying to secure access to the sites, to the detriment of time that should have been spent with the refugees themselves.

As a result of time and budget constraints, together with other aforementioned constraints, the sample remained rather small, and can therefore not be generalised to the whole population of Burmese refugees in Thailand. The results might have been different when focusing on Shan people in Chiang Mai, or Burman people in Bangkok, who are further away from the border and do not have the strong transnational Karen network to fall back upon. Nonetheless, CBO reports and informal conversations with NGO personnel in other areas of Thailand suggest that the general threads will be the same in terms of livelihoods, integration and some of the transnational strategies. After all, the legal restrictions that refugees face in Thailand are the same for all of them: they are not allowed to work, can be arrested and deported at any time, have to bribe officials and police, worry for their children's education and fear having to return to Burma in the current conditions. Still, more academic research will be needed to confirm potential similarities and differences, by conducting livelihoods and other studies in other areas of Thailand.

The ethical consideration of not unnecessarily making the refugees revive their flight led to a shortage of complete life histories. As a result, it was not possible to thoroughly compare current livelihood strategies of the refugees with the ones prior to their flight (Horst 2006c), as cross-border research is impossible for security reasons. Where possible, this information was obtained from reports assembled by CBOs working across the border with IDPs, such as Karen Human Rights Group (KHRG 2008). But of course, the life of IDPs is already a change from the 'normal' lives of people (whatever 'normal' is when living in a protracted civil war), and there is no information available on the livelihoods of non-displaced Karen people across the border. More in-depth study will thus be required to look into the level of adaptation that the strategies of these (mostly rural) refugees have undergone in Thailand, by interviewing people on their livelihoods strategies at different points in their lives.

While this study had a clear research question to start with, many subjects came up during the research, which at a certain point made the study too broad. Several

colleagues and contacts struggled with the same problem: "*The process of turning my experiences in Kenya and the knowledge I gained there into this book has been particularly challenging. On a number of occasions, I doubted whether I had the capacity to deal with such a large amount of information and it took a long time before I had a sense of direction*" (Horst 2006c: ix). As a result, the number of subjects and the geographical area covered had to be limited, thus not all the obtained information (e.g. on the camps as humanitarian sanctuaries, the specific features of nation state formation in the borderland and its impact on both refugees and hill tribe minorities, etc.) could be used. Other issues could not be researched because of time constraints, e.g. the subjective aspects of integration (identity, internalisation, satisfaction) or the differences between the first and the second generation of refugees in terms of livelihoods, integration and transnational activities. While all these subjects are very interesting, it was too ambitious to include these various elements into one research project, so hopefully other researchers will take on this task.

It has to be kept in mind however that this is a pioneering research, with little previous academic research on this border, and in particular hardly any research on the subject of livelihoods in different settings, integration and transnationalism. It therefore aims to give an impetus to further research that can enhance and refine insights found.

CHAPTER 3: BURMESE REFUGEES IN THAILAND

"*My name is Sylvia. I am S'ghaw Karen and Christian and I am 46 years old. I left Burma with my family a long time ago. The SPDC (military regime in Burma, ed.) had burnt our village and my parents lost everything, so we moved. We arrived in Thailand in 1965 and built a house in the jungle, next to some other refugees. At that time, the camps did not exist yet, so we just tried to forage for food and traditional medicine. But word got out that the SPDC was coming and would attack, so we ran again, this time to Tuwaloo village, a KNU-base (Karen National Union- rebels, ed.) inside Thailand. There were no NGOs there but at least there was a hospital. But we could not stay there, so we went to Kabaloo village, another KNU- base. However, after Manerplaw fell (KNU headquarters, ed.), that base was burnt, so we came to Mae Ra Ma Luang refugee camp, which had been established by then, and we lived in Section 1. But then the SPDC came to this camp and attacked, and our house was burnt. I was very afraid for my children. Thus then we moved to another section in the camp. I really hope we will only have to move once more, to Canada. So we were never tortured or never did any forced portering, but only because we always ran fast enough. My heart is not normal, I have always been running since I was four, sometimes nearly starving under the way, and I got damaged due to that experience.*

I have to take care of my husband, my four children and grandmother-in-law, so I work for an NGO. But I have been doing this for over ten years, and I am so bored of this job. I am so bored of this life. I applied for resettlement to Australia but I did not get any news for the last two years, so now I applied for Canada- even if my uncle

wanted me to come to Australia, since they had already bought a piece of land for me. Luckily for me, my family here agrees to it that I will leave for resettlement; that is important in Karen culture. So I cannot wait to leave and find peace again. If there would be peace in Burma in the future, I might go to visit, but I will never really go back. I would return just to help people on the border." (Interview in Mae Ra Ma Luang camp, January 25, 2007)

Later that day, Sylvia heard that she was selected for a second resettlement interview and excitedly pulled me along to go to church and pray. During mass, she wrote in her bible: "*A miracle happened today. Maybe my new life will start"*.

3.1. Conflict in Burma: a historical overview[21]

Most reports on Burma explain that the conflict started in 1988 when the Burmese junta cracked down on nationwide demonstrations. But is that really when it all started? How about the moment when the army seized power in 1962? Or before that, after independence from the British in 1948, when some of the ethnic minorities were granted autonomy while the plight of others was ignored? Conflict has indeed always existed in Burma, and the roots of this conflict can be found in the era before and during the colonisation period. This will be made clear in a short account on the history of Burma.

Prior to the colonisation by the United Kingdom, the area that nowadays constitutes Burma was made up of several kingdoms. In these pre-colonial political realities, ethnicity was important but less so than today: "*Ethnic affiliation informed many aspects of peoples' lives but tributary ties and patron-client relations were*

[21] This section is loosely based on my master's thesis (Brees 2004), titled '*De overlevingsstrategie van het militaire regime in Birma/Myanmar*'. (translation : The survival strategy of the military regime in Burma/Myanmar).

generally not circumscribed by ethnic boundaries" (Fink 2003: 4). These kingdoms were fighting each other over power and land, which sometimes affected neighbouring British India, severely annoying and worrying the British. What's more, the Burmese territory was very tempting for the colonial strategists, as it had large amounts of raw materials (such as teak) and could become a buffer state between them and the French territory. Between 1824 and 1885 there were three Anglo-Burman wars. Mandalay fell in 1885, with the expulsion of the Burman King Thibaw[22], and areas around it were annexed in order to create a 'state with borders'. The result was a country with eight main ethnic groups, but over one hundred different subgroups with particular dialects or languages, some of which were split up by the new international border.

Similar to other British colonies, a 'Divide and Rule' strategy was conceived to colonise the country (Fink 2001: 17-22; Steinberg 2001: 181-183). A dual system was set up, in which the central, fertile plains, predominantly inhabited by ethnic Burmans, were called 'Ministerial Burma', whereas the mountainous areas in the border zones where ethnic minorities lived were termed the 'Frontier Areas' or 'Scheduled Areas'. The British wanted to ensure regional safety as well as trade, and stimulated massive immigration of Chinese and Indian people to this purpose. This was very much against the Burmans' wishes as these newcomers had more privileges than the original population had. By 1920 Ministerial Burma became the world's largest exporter of rice, with a very strong economy, but the political demands of the Burmans were kept at bay. In contrast, the frontier areas were only used as suppliers of raw materials and there were hardly any investments in these areas. The ethnic minorities to a large extent did keep their political autonomy (Grundy Warr and Wong 2002: 98) and were often recruited in the colonial army. With the help of the missionaries, an important minority was converted to Christianity, and the missionaries promoted the development of a school system for the Karen. In these schools, the Karen were taught in their own language, by

[22] This history is beautifully described in a book by Amitav Ghosh (2001), titled 'the Glass Palace'. For an academic political perspective on the period leading up to colonisation, see: Thant Myint-U (2001) '*The making of modern Burma*'. Cambridge: Cambridge University Press.

way of a Burman script adapted to Karen (Keyes, cited in Sang Kook 2001: 81). The construction of a printing press for education and religious (bible) reasons led to the emergence of a Karen press. As a result, a stronger feeling of ethnic identity arose, followed by the emergence of cultural and political ethnic organisations such as the 'Karen National Union' (KNU) in 1881. The large dichotomy in the policy towards Ministerial Burma and the Frontier Areas led to an increasing antipathy between the Burmans and the ethnic minorities (Thawnghmung 2008: 3-6) [23].

It is thus not surprising that both groups chose a different party in the battle of World War II. The Burmans, part of which had been trained in Japan, fought with Japan against the British and the ethnic minorities. After the retreat of the British, thousands of Karen and other ethnic minority people were harassed and killed as collaborators. During that period however, Japan increasingly acted as if they had conquered a new territory, instead of leaving the 'liberated country' to their Burman partners. Consequently the Burmans switched sides and cooperated with the Allied troops to defeat Japan.

After the defeat of Japan, it became clear to both the Burmese and the British that Burma would soon gain its independence. Discussions were thus held about the future of Burma from 1946 onwards, with the largest dilemma being whether and how the Frontier Areas would be associated with Ministerial Burma. At the '*Panglong conference*' in 1947, it was decided to establish a federal state, the Union of Burma (Walton 2008). Burma became independent on January 4, 1948. However, several of the ethnic groups did not receive the autonomy they demanded (and/or had been promised), and the in-country boundaries of the different states were contested (Smith 2001: 77-10). As a result, these minorities started a civil war, and also the communist party went underground, supported by Thailand and China respectively. Moreover, the state of the economy was

[23] For detailed information on the entire period of ethnic warfare from British rule until 1990, see: Smith, M. (1991) '*Burma, insurgency and the politics of ethnicity*'. London and New Jersey: Zed Books. Also Bertil Lintner is a well-known author on the insurgencies: Lintner, B. (1994) '*Burma in revolt. Opium and insurgency since 1948*'. Boulder/San Francisco/Oxford: Westview Press.
For information on state formation from the pre-colonial period until 1987, see: Taylor, R. (1987) '*The state in Burma*'. Honolulu: Hawaii press.

disastrous due to the armed conflict with Japan and there were still arm supplies all over the country in the aftermath of the war, which were eagerly used by the militias of politicians and others. The result was an explosive cocktail that brought the country into a state of complete civil war and lawlessness. Therefore, it is not surprising that General Ne Win met with little opposition of the population when he seized power at the end of the 1950s to re-establish law and order (Callahan 2003: 184-188). But when the military seized power again in 1962 to ensure order but also 'to prevent federalism from destroying the Union' (Smith 1991: 196), they would never release power again. The 'Burmese way to socialism' was installed, and the country retreated in isolationism until the 1980s. Assimilationist policies, already initiated after independence, were increasingly pursued to 'Burmanise' the minority populations and political and military power was removed from minority hands (Fink 2003: 1). At the same time, in the mid-1960s, the '*Four Cuts Strategy*' ('Pya ley pya') was set up to conquer the rebel armies, by trying to cut the strings between the rebels, their families and the local villagers in terms of food, finance, communication and manpower (Smith 1991: 259). At first this strategy hardly seemed to work though, as the rebels controlled 20 to 30 % of Burma's territory in the 1970s (Fink 2001: 23-26). The most important victims of the 'Four Cuts' were (and still are) the civilians who were suspected by both the junta and the rebels of collaborating with the other side.

When in 1987 a sudden currency devaluation was effected, riots broke out in Rangoon, which soon spread all over Central Burma (Fink 2001: 51-63; Steinberg 2001: 3-11). This was the first time that not only the frontier areas were openly questioning the regime. On '8-8-1988' hundreds of thousands of people were protesting in the streets, led by students, but the protests were violently suppressed. In just four days, hundreds of protesters were killed in the capital Rangoon alone. Burma thus created its own version of the Tiananmen square drama in this period, but due to the absence of international media at that point, very little was known about this in the outside world. Due to a lack of coordination both in-between the protesters and between this urban-based, Burman, '88

Students Movement and the rebels, the regime managed to re-gain control. However, the situation had changed now that Central Burma had also revolted, thus General Ne Win resigned and the generals promised that elections would soon be organised. In 1990, elections indeed took place and they were relatively free – or at least the results indicate that they were on the day itself, not in the weeks leading up to the election day. The elections were overwhelmingly won by the opposition, despite their internal discord and the intimidation attempts by the junta – Aung San Suu Kyi, *the* symbol of the opposition and secretary-general of the largest party, the National League for Democracy (NLD), was put under house arrest even before the actual election day (Fink 2001: 66-72). Still, her party won over 80% of the votes. Unsurprisingly, the generals refused to recognise the results of this election, announced a state of emergency (which endured until May 2008) and put all the important leaders under house arrest. They declared that a new forum, the '*National Convention*', would be formed to write a new Constitution, which would then lead to a new government (Fink 2001: 82-86).

Until 1988, the ethnic minorities were hardly engaged with political movements in Central Burma, but after the violent suppression, the Burman students fled *en masse* from the cities to the border areas, where they sought to access the camps of the ethnic armies (Smith 1999: 27). In reply, the regime started to fight them in the ethnic areas, while simultaneously setting up a campaign in which the ethnic army leaders were promised economic concessions in return for a ceasefire. The generals could not afford a well-working union between the Burmans and the ethnic rebellion, whom had just formed the 'Democratic Alliance of Burma' (DAB). However, such a ceasefire agreement did not involve any disarmament or demobilisation, nor a peace agreement with a solution for what lies at the root of all these problems: the request of autonomy of the ethnic minorities. Still, the pressure of the Four Cuts campaign and the suspension of aid by China and Thailand by the end of the 1980s made this offer increasingly attractive. The communist fraction imploded at the end of the 1980s and all the factions made a deal with the junta in 1989. Many other rebel armies followed their example in the

1990s (Smith 1999: 27-37; Sherman 2003: 230-233). Today, various insurgent armies are still fighting, some on the Indian border, but most are located on the Thai border. The three most significant groups that are left are the Karen National Union (KNU), the Karenni National Progressive Party (KNPP) and the Shan State Army-South (SSA-S). These armies hardly control significant territory any longer, and use guerrilla tactics to fight '*the tatmadaw'*, the junta army. Despite their loss of territory and relatively small number of soldiers, they remain important due to their symbolic importance: "*These groups keep the flames of insurgency alive and, as such, have significance far beyond their numbers and the threat they pose to the military government. The KNU insurgency, in particular, has major symbolic importance due to its duration and the prominent role the organization plays within the broader antigovernment alliances on the Thai border"* (Pedersen 2008: 48).

While up until now I have always talked about the civil war between the junta and the insurgents, the picture is unfortunately more opaque than this. In addition to these conflicts between the tatmadaw and the insurgents, disagreements within various rebel groups in the 1990s have resulted in the splintering of these groups (South 2008: 54-70) and as such to additional fighting and burdens for the population. For example, the Buddhist fraction of the KNU was fed up with the inconsiderate Christian leadership and decided to start their own army, the 'Democratic Karen Buddhist Army' (DKBA). They closed a deal with the junta and together they stroke the KNU a heavy blow they have never recovered from, by taking in the KNU headquarters, Manerplaw, in 1995. This great loss of territory next to the Thai border effectively wiped out the somewhat safer area behind the combat zone, resulting into additional population waves. On top of this complexity, dozens of coalition groups have been formed and transformed, between armed groups and political groups, between armed groups and ceasefire groups, with civilian 'youth' and 'women' groups etc., making it increasingly difficult to understand who is cooperating with whom.

Internationally, Burma was isolated after 1988. Despite the fact that the generals were increasingly trying to attract international investments, predominantly in the

oil and gas sector, Burma remained an international pariah. The turning point came in 1997, when the country became a member of the Association of Southeast Asian Nations (ASEAN) (Steinberg 2001: 237-240). Consequently, the relations with China and India also improved quickly, both for geostrategic reasons as well as because of the large amount of raw materials in Burma (oil, gas, teak wood, jade etc.). Apart from these bilateral and multilateral changes, the name of the regime changed as well in 1997, from 'State Law and Order Restoration Council' (SLORC) to 'State Peace and Development Council' (SPDC), but in practice little changed, and the grip of the generals on power remained firm[24]. The only event that caught the attention of the international press in the following years was the 'Saffron revolution' in September 2007 and the passing of Cyclone Nargis in May 2008, which killed more people in Burma than the tsunami did in any country 2.5 years before. The international community was astonished by the lack of sympathy the generals had for their affected population by refusing to let international aid in – admittedly, suggesting that Western war ships would deliver the aid was a diplomatic blunder when dealing with such as xenophobic regime. The fact that this cyclone passed only a week before the population had to vote on the new constitution certainly also influenced the stubbornness of the junta. Only weeks later, when the international press was already gone, the access to the cyclone-affected area became much less restricted, and in fact even more open than any other area in the country[25].

This overview demonstrates that there are two types of conflict: a political conflict versus an armed conflict (with political roots). The first conflict is centred around the tensions between the military regime and political opposition forces,

[24] Duffield (2008: 8) argues that they have accomplished this by inheriting and adapting a design of power, which he calls a 'colonial bureaucracy'. A colonial bureaucracy is concerned with the question: how do you govern populations acquired through conquest that are independent of the state in terms of their welfare and social survival? Answer: by keeping them on the threshold of emergency. The Burmese junta adapted this design of power and deepened it into a classic totalitarian dual state. Because the arbitrary power generates uncertainty, there is a 'follow the leader'-culture which disciplines subordinates, but that self-discipline is not widely internalised. Therefore, a permanent enemy has to be found and every sign of opposition is presented as a threat to society as a whole.

[25] Detailed analyses on the internal political situation, the international strategy towards this regime and the aftermath of the cyclone, can be found on the website of International Crisis Group: http://www.crisisgroup.org/home/index.cfm?id=2958&l=1.

symbolised by the battle between General Than Shwe and the Burman opposition leader Aung San Suu Kyi ('The Lady'). From the viewpoint of the SPDC, this is at the same time a battle between Burma and the West, who strongly support Suu Kyi and have imposed increasingly restrictive sanctions (economic and other). A second, less well-known conflict is the protracted civil war between the ethnic armies and the junta. The military regime wants to crush all rebel armies whatever it takes, due to an enormous fear of 'disintegration of the country', which supposedly could only be prevented by the army. A third (potential) conflict is in between the different armed groups, but also in between political members of the opposition. Even if the Burman and ethnic minority politicians agree on the need of a civil government, the opinions on eventual power divisions are very divergent. Will there still be common ground if the common enemy disappears? There are calls to return to 'the spirit of Panglong', but was there even unity then (what Walton (2008) calls 'the myth of Panglong')? The West focuses on the Burman Aung San Suu Kyi, but will she be accepted by all people as a leader?[26] And how will the power be divided between the political diaspora and politicians inside the country when the time comes? Many questions thus remain. What is clear is that there are multiple sources of conflict in Burma, all of which result into migration waves, which will be discussed in the next section.

3.2. Root causes of flight and migration patterns

> "*The Burmese military actions have helped to create a climate of constant fear among the population and have forced thousands of people to join the ranks of the internally displaced, or to flee abroad*".

[26] As Morten Pedersen (2008: 46) states, "*The ethnic minorities have not forgotten that the civil war started during the democratic period in the 1950s and do not necessarily trust Burman leaders of any persuasion to genuinely have their welfare at heart. Some feel it is better to try to work with the military, which has the power to change their situation, than to side with parties that do not. Mostly, they want to make sure that they are on the inside of any political transition process that may unfold, so that they do not remain marginalized for another half a century".*

> Unusual public accusation by Jakob Kellenberger, President of the International Committee of the Red Cross, June 29, 2007[27]

A combination of economic and political factors, related to these protracted conflicts, forces people to migrate. On an economic level, the country remains one of the 'Least Developed Countries', despite the fertile soil and the large amount of commodities. The economic mismanagement of the junta, combined with a lack of investments in the education and health sectors, severely affects the development of the country. Two thirds of the population is still employed in the primary sector. In addition, there are forced relocations for reasons varying from urban development and poppy eradication to enforced assimilation (Grundy-War and Yin 2002: 100). Moreover, economic sanctions imposed by Western countries negatively influence, amongst others, the labour intensive textile sectors and prohibit development aid by international financial institutions[28]. As a result, the situation continues to deteriorate. Migration is often seen as the best solution then, either to the cities, but increasingly abroad, to Thailand, Malaysia, Bangladesh or the Middle East.

Table 1: Factual sheet Burma

- (Administrative) capital: Naypyidaw
- Economic capital: Rangoon/Yangon
- Population: 48 million

[27] More information can be found in the official press release: ICRC (2007) 'Myanmar: ICRC denounces major and repeated violations of international humanitarian law', Press Release June 29, 2007, http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/myanmar-news-290607?opendocument, consulted: June 30, 2009.

[28] Burma receives $2.88 humanitarian aid per person, which is the smallest amount of all 50 Least Developed Countries. In comparison, Sudan receives $55 and Lao $63 per person (Parameswaran 2008). Given their 164th place in terms of GDP per capita, on 177 countries (UNDP 2008a), this is unacceptably low.

- Ethnic groups: Burman (68%), Shan (9%), Karen (7%), Rakhine (4%), Chinese (3%), Indian(2%), Mon (2%), other (5%) (source: Burma Campaign UK)
- Religion: Buddhism, Christianity , Islam, animism
- Languages: Burmese, while all the ethnic minority groups have their own languages
- Life Expectancy at birth: 60.8
- GDP per capita (PPP US$): 1027 (164th out of 177 countries)
- Public expenditure on health (%of GDP): 0.3
- Public expenditure on education (%of GDP): 1.3
- Human development index: 0,583 (132nd place on 177 countries)
- Official Development Assistance received (million US $): 144.7

Source: UNDP Human Development Index 2007/2008, http://hdrstats.undp.org.

But the most important causes of decreasing human security and subsequent migration flows are the so-called 'political factors' that can give access to asylum, namely armed conflict and discriminatory persecution (Brees 2008f). Several of the ethnic minority groups in Burma, such as the Karen and the Karenni, are affected by the protracted civil war. Usually, a local tatmadaw officer selects 'brown' and 'black' rebel zones that then become security zones that are prohibited to civilians. The villagers in the zone are ordered to move to strategic relocation sites under the control of the SPDC, in order to reduce potential support for the insurgents (Grundy-War and Wong 2002: 100). However, SPDC relocation sites often foresee no services for the arrival of these people and can be located in the middle of nowhere, or close to another village that is not equipped for this additional strain on CPRs. Relocated villagers thus often have to re-start their lives from scratch. Moreover, as many of the ethnic minorities in these rural borderlands are very attached to their farmland, they often refuse to relocate and instead prefer to hide

in the jungle whenever the army is nearby, effectively becoming IDPs (KHRG 2008: 6). Villagers who fail to comply with these relocation orders can be seen as rebels and may be shot on sight: "*The cycle of fear and running has generated its own consequences for civilian displacement: (...) The very act of running in fear served to reinforce the suspicions of the counterinsurgency troops from whom the civilians were fleeing*" (Lang 2002: 78). Food stores and homes in the (temporarily) abandoned area are sometimes burnt, or mines are placed within and around the village to prevent the villagers from returning. Apart from the direct fighting, other factors also generate fear, such as the coercive financial demands or demands for food, but certainly also the constant threat of forced labour, for anything from the construction of a road, to the carrying of military equipment, till the functioning as a living mine sweeper. In addition to these problems, the splintering of the rebel armies also resulted into additional warfare, as mentioned above. The combination of insurgency and counter-insurgency measures have thus led to an oppressive dynamic of fear and a cycle of violence embedded in low-intensity warfare (Lang 2002: 61).

In response, the villages in these active conflict zones have developed a system to warn each other when enemy troops are approaching (KHRG 2008: 110-114)[29]. After a warning, the whole village temporary leaves for the mountains to only try to return to their houses after several hours, days or weeks as IDPs. Others travel to safer areas or heavily controlled relocation sites, or they travel for weeks or months to be able to cross the international border and become asylum seekers:

> "*Burmese soldiers came often. But in 1997 SPDC and KNU fought in our village. After that, the SPDC set up a camp just next to our village, so we had to help them with construction, clean their compound, etc. And my father always had to do portering, more than four times. Each time he was beaten up if he didn't work as they wanted him to. Then six villagers were killed as 'KNU spies'. So we fled. Travelling was very difficult. It wasn't easy to cross the border because there were*

[29] This report also reveals other 'resistance' strategies of IDPs such as the ignoring or negotiating of calls for financial and labour support, the hiding of rice, the attending of hidden jungle markets etc.

> *many SPDC soldiers. So we had to ask help from KNU soldiers to help us across, we didn't know the way. We had no food under the way, we had to eat wild vegetables. If there would not have been any soldiers, the travel would have taken us about 1 or 2 weeks, but because of the insecurity it took us 3 or 4 months"*
>
> (Interview with Karen refugee, Nu Poh camp, November 28, 2008).

Even if the Karen traditionally move periodically to access agricultural land, the scale of displacement in Karen and other areas over the past 50 years has been out of all proportion to any traditional patterns of migration (South 2008: 85).

Another set of political factors that instigate forced migration is discriminatory persecution based on race, ethnicity/nationality, religion, membership of a particular social group, or political opinion. Discriminatory persecution as a result of political activities (in the very broad sense) is 'business as usual' in Burma: "*I took a picture of soldiers that were arresting a student, but I didn't mean to, it was an accident. So I was accused by the soldiers of being an activist and put in jail for five days. After that arrest, whenever there was a problem, they would accuse me of political activism and interrogated me, so I always had to go underground. So in the end I left*" (Interview with Burman woman, Nu Poh camp, November 27, 2007). The opposition is sabotaged in every possible way and every fallacy suffices for arrest and years of confinement. Amnesty International (2009) estimates that 2100 political prisoners were still in detention in 2008. Many activists or former political prisoners flee abroad, fearing for their lives and that of their families, and/or to continue the battle in exile.

> "*I was arrested 3 times: in 1990, 1991 and 1999 until 2004. The reason is that I participated in ABSDF (All Burma Students Democratic Front, ed.) demonstrations, and SPDC watches demonstrations and arrests people afterwards. In a move by Khin Nyunt (former top General, ed.) I was released but then I couldn't continue my study anymore and I had to sign in into the local section office twice a week,*

> *to show that I was still there. I was questioned by intelligence every time after I had visitors. If I wanted to travel, I had to report to the section leader again. If I wanted to set up a business, they would come and tell me they could give me the funding if I gave them information. I was watched all the time.*
>
> *The flight itself was very difficult. I told the section leader in Mandalay that I was going to visit my aunt in Rangoon. She called him and said I had arrived, but I went underground in Rangoon. Then I decided to flee to Thailand through Myawaddy. Burmese soldiers stopped our car though and reported it to the authorities. The other people in the car were merchants thus the soldiers wanted 30,000 kyat per person to let us go. In the end we paid 60,000 kyat and we could continue on a motorcycle. Then we crossed to Mae Sot and I lived in hiding there from February 2005 until September 2006, when I could go to camp".*
>
> (Interview with Burman refugee, Nu Poh camp, November 29, 2008)[30]

Next to discriminatory persecution practices on an individual level, they can also occur on a group level (Goris et al. 2009). An example of the latter is the racial discrimination of the Rohingya, a Muslim population in Arakan State, bordering Bangladesh (Lewa 2009). They are not considered an 'original' people of Burma and are therefore denied citizenship. They are severely limited in their basic freedoms, such as freedom of movement, choice of work, etc. Even marriage is often not allowed and clandestine marriages can lead to severe penalties or imprisonment. These insidious forms of social, political and economic exclusion over protracted periods of time continuously generate new asylum seekers, because socio-economic inequalities grow while basic human rights recede (Zetter 2007: 177).

[30] In January 2009, one $US was worth about 1,000 kyat (Yeni 2009). This is the real rate, the black market rate. The official rate stands at six kyat per $US, but is unrealistic. An average low-skilled worker makes about 400 to 500 kyat a day in Burma, while educated professionals earn 2,000 to 3,000 kyat a day (Arnold and Hewison 2005: 320).

However, as Zetter (2007: 177-178) argues, minority groups fleeing these more subtle forms of persecution have often found it difficult to receive a refugee status. This is indeed the case in Bangladesh and Thailand, where the Rohingya are seen as unwanted guests as well. The result is statelessness for this entire ethnic group.

Other factors are on the verge of being political, which again makes it difficult for the people fleeing these issues to receive protection: *"In Burma much impoverishment and forced migration are due to state-led land confiscation, asset stripping, forced procurement policies, agricultural production quotas, forced labour, arbitrary taxation, extortion and restrictions on access to fields and markets. The compulsory and unavoidable nature of these factors is distinct from the voluntary, profit-oriented 'pull factors' more commonly associated with economic migration"* (TBBC 2008c: 14).

All these factors have led to enormous population waves. Exact national figures do not exist, but even only in the east of the country more than half a million people have been internally displaced in the last ten years (TBBC 2007: 3)[31]. On top of that number, millions of Burmese decided to leave the country altogether. The largest diaspora can be found in Thailand, but also other countries in the region, such as Bangladesh, Malaysia, India and China have to deal with influxes of Burmese refugees on their territory[32]. From there, a small minority of refugees have been resettled to the US, Canada, Australia and Europe. The decennia-long conflict situation in Burma has thus led to a worldwide Burmese diaspora. This study focuses on the largest group in this network: the Burmese diaspora in Thailand.

Since 1980, the number of Burmese arrivals in Thailand has been increasing steadily, due to both push and pull factors. As explained in the previous section, push factors are the Burmese government's disastrous economic policy, the violent

[31] As the border area between Thailand and Burma is very porous, quite a lot of organisations work cross- border, illegally, to help the IDP population, and can therefore assemble more detailed information about this part of the country. The information on displacement in the rest of the country is only sketchy. The information that is available (albeit based on a weak methodology) can be found in a report by Bosson, A. (2007) '*Forced Migration/Internal Displacement in Burma with an emphasis on government controlled areas*'.

[32] All of these countries were part of the list of the ten 'worst places for refugees' in the 2008 'World Refugee Survey' (USCRI 2008b).

events of the popular rising in 1988, the human rights abuses and the civil war. Pull factors that favour Thailand over other neighbouring countries are multiple: "*Compared to most of its neighbours, Thailand is an example of economic success and political stability, religious tolerance and ethnic pluralism, freedom of expression and of movement. Because of this, over the past quarter-century, Thailand has played host to hundreds of thousands of Myanmar, Cambodian, Laotian, Vietnamese and other nationals, many seeking temporary refuge*" (Robinson 2004: 1). Moreover, Thailand has a dual economy, consisting of a capital-intensive section with highly-educated workers and a large labour-intensive low skilled section. The latter section, which is often informal[33], presents opportunities for foreign labour (Rukumnuyakit 2009: 3-4). This has been accompanied by changing bilateral policies between Thailand and Burma since the end of the 1980s, geared towards increasing linkages on an economic level, ensuring greater flows of capital and goods, but also of labour, across the border. Also the fact that people on both sides of the border share ethnicity is a factor easing migration, and so are the established trading patterns across the border, as these result into readily available contacts for informal support upon arrival. For people who left more recently, contacts with family members or friends who already were refugees were important as well.

The journey itself can be a difficult one though, depending on what the starting point is: "*Deterrents include the fear of being caught by the tatmadaw, landmines, harsh terrain, rumours about poor living conditions in Thailand and fear of the unknown*" (Grundy-War and Wong 2002: 108). Also other hazards may make travel difficult such as lack of food and water, malaria, child birth under the way, etc. On the other hand, people travelling from Rangoon can reach Mae Sot easily in two days. Contrary to this potential hardship of internal travel, crossing the physical border is not a major challenge, as the border is too long (2,400 km) to effectively control it: "*Since the border is so porous and the border town itself is also porous, the practice of border patrol (especially immigration) moved from the actual*

[33] The informal economy in Thailand accounts for about 50% of the labour work force and 45% of the GDP (Tajgman 2006: foreword).

physical/geographical border into the check points that are set up on the highway by the police when land vehicles leave the town to Bangkok" (Pongsawat 2003: 9). In practice, there is thus a more fluid sense of borderland, and brokering/smuggling services are commonly only used to travel inside Thailand, rather than to come to Thailand in the first place (Vicary 2004: 31-32; Caouette et al. 2006: 27-28).

The borderline can be crossed at permanent international checkpoints (getting a one-day or seven-day pass and then overstaying this visa) or trade check-points, but unofficial entry points are used as well, by simply crossing the river, using local piers, mountainous borders, etc. Most people cross into one of the following four zones: Tachilek-Mae Sai, Myawaddy-Mae Sot, the Three Pagodas Pass and Kawthaung- Ranong, and may then move on to Bangkok (Mahachai-Samut Prakhan) (Chantanavich et al. 2007: 13-14; Lubeigt 2008: 169; Lawi Weng 2008a). These are the zones where large numbers of cheap labour are needed, which confirms that even if people do not leave for economic reasons, they may nonetheless chose to go to places where there are economic opportunities. In Tak, where I did research, Burmese people come for nearly every part of Burma but the majority are Karen or Burman, while those in Chiang Mai are mostly Shan and those in the south are mostly from the south of Burma (Mon, Tavoy or Karen) (Arnold 2004: 3). The Burmese in Bangkok are also from various areas and are the people with readily available networks that brought them there.

The place of settlement and subsequent 'category' in which refugees end up has large consequences for their human security and livelihoods for various reasons, an important one of which is the Thai refugee and migration policy, which will be explained in the next section.

The international border at Tha Son Yang, Burmese side and Thai side respectively

Myanmar-Thailand Friendship bridge

3.3. The formal legal framework: the Thai refugee and foreign labour policy

3.3.1 The Thai refugee policy

Thailand has a long history of providing refugee sanctuary. Surrounded by conflict-ridden countries, it has had to deal with huge refugee influxes, with at its height over one million Indochinese refugees on its territory, later followed by arrivals of Burmese. Because of these massive refugee inflows, Thailand considers itself to be a special case and refuses to sign the Geneva Convention of 1951. The government

prefers to have a large margin of discretion to manage these refugee flows, and fears that adherence to international regulation might force them to receive even more refugees, thereby restricting their national sovereignty and security (Loescher and Milner 2005). In addition, Thailand has had a bad experience with the International Court of Justice: "*Added to this is Thailand's mistrust of Article 38 of the 1951 Convention, which confers upon the International Court of Justice the power to settle disputes relating to the interpretation of the Convention. Thailand's own experience with the Court has not been a happy one. In the famous Temple case, the International Court of Justice held that a temple which was the bone of contention between Thailand and Cambodia belonged to Cambodia*" (Muntarbhorn 2004: 14). Furthermore, many countries in the Asia-Pacific region have not signed the Convention, and even if they have, this does not ensure that the rights of refugees are respected[34].

On the other hand, Thailand is a member of the Executive Committee of UNHCR, which means that they do follow up on world refugee trends and ways to handle refugees (Muntharbhorn 2004). The country has abided to a considerable extent to international law interrelated with refugees and their protection, but since they are followers of the dualism principle in legal matters, they only apply international conventions once these have been incorporated into national laws. Thailand is also party to several human rights treaties, in which the key principle is 'non-discrimination': human rights apply to all persons, irrespective of their origins. However, in some treaties, the Royal Thai Government (RTG) has asked some restrictions or given interpretations. In signing the Convention of the Rights of the Child for example, Thailand made a reservation on the right to birth registration and the rights of refugee children. This is based on the misunderstanding that granting a birth certificate will automatically give these children Thai nationality, which is not the case according to Thai law professor Vitit Muntarbhorn (2004: 22): "*The mere grant of an official birth certificate does not automatically imply the grant of Thai nationality to anyone. However, the grant of an official birth*

[34] Interview with Songsit Charuparn, Protection Officer UNHCR, July 12, 2006.

certificate is an important guarantee for the identity of the child; it ensures that s/he is officially recognised as a person". Except for these restrictions, the national response has been to act in conformity with the country's moral obligation at the international level.

At the national level, there is no specific law on refugees or refugee status determination (RSD) (Muntharbhorn 2004). The law with the greatest impact on asylum seekers is the 1979 Immigration Act, which explicitly deals with immigrants and states that all those who enter without papers are illegal and subject to deportation. Penalties for illegal immigration in breach of the 1979 Act include repatriation, imprisonment and fines. In reality though, some Burmese minority groups can seek refuge on a *prima facie* basis[35] in the refugee camps without being fined. The first of these semi-permanent camps were established in 1984, when some 9,000 Karen and 6,000 Mon refugees fled across the border (Lang 2002: 84-85). These were informal village-like camps, managed by local refugee committees and NGOs and until the mid-1990s they had low-key security arrangements. This minimal relief structure was the only acceptable arrangement for the Thai Ministry of Interior (MOI), as they were pre-occupied with the massive presence of Indochinese refugees on the other border; Indochinese refugees who in contrast were very much part of Cold War affiliations (Lang 2002; Thompson 2008). Refugee community leaders negotiated with the local Thai landowners, army commanders and district administrators to select sites for the camps, which was facilitated by the fact that to a large extent the same ethnic groups live on both sides of the border.

This situation changed when several of these camps were attacked from across the border in the 1995-1998 period. There had been a large scale offensive of the

[35] Definition of refugee recognition on a prima facie basis: "*This means that each individual member of a particular group is presumed to qualify for refugee status. This presumption is based on objective information on the circumstances causing their flight. Prima facie recognition is appropriate where there are grounds for considering that the large majority of those in the group would meet the eligibility criteria set out in the applicable refugee definition*" (UNCR 2006b: 3-4). It is often applied in cases of mass influx, where it is practically unworkable to conduct individual refugee status determination procedures. Its purpose is to ensure admission to safety, protection from refoulement and basic humanitarian treatment to those patently in need of it (Rutinwa 2002: 1).

tatmadaw against the KNU, who in turn attacked DKBA camps (their breakaway faction) (Lang 2002: 154-160). The latter then retaliated by destroying the Karen refugee camps, which were/are seen as permanent safe havens for the KNU: "*Since early 1995, the DKBA, with SLORC support, has carried out dozens of attacks on the refugee camps, roads, and Thai villages. Dozens of refugees and Thai villagers have been killed or kidnapped, five camps have been completely burned down and a number of others partially destroyed. Millions of Baht in cash or property belonging to Thai villagers or refugees has been stolen. (…) The DKBA has frequently threatened to kidnap refugee medics and doctors or expatriate NGO staff*" (Bowles 1997: 15).

> "*I was born here in Thailand. Now my family lives in Umpiem camp, but we used to live in another refugee camp, in Mokola, close to the border. It was dangerous there. At night, if the Thai military would ring the bell, we had to flee the camp and sleep in a hole we had dug outside the camp. The bell meant that the SPDC and DKBA might attack. Thus everybody had to dug holes beforehand, in case we had to run in the middle of the night. We spent weeks in those holes. I was really scared.*"[36]

The Karenni and Mon camps were also attacked by troops from across the border, although to a lesser extent than the Karen camps.

The Thai government came under strong pressure from its population because of their portrayal of these attacks as an internal Karen issue and for not stopping the incursions (Bowles 1997: 16). In practice though, the attacks were not only a blatant violation of the Thai sovereignty but they also severely affected the local Thais. Therefore, the RTG decided to impose a policy of camp consolidation and unite the refugees in a smaller number of larger camps that would be easier to both protect and control. The number of camps, called *'temporary shelters'*, went from over 30 at the beginning of 1995, over 12 in 2000 to 9 since 2003. Village

[36] Interview with Karen refugee, Umphang, February 8, 2007.

communities turned into urban centres as camps expanded from a maximum of 6,000 people then to an average of 17,000 today (Thompson 2008: 26). All of the camps are located within a few kilometres of the border, as the Thai government was afraid that locating camps further inland would encourage the refugees to stay. With the camp consolidation and the increased control over the security of the camp by Thai (para)military groups and barbed wire, the freedom of movement of refugees was increasingly curtailed and the rations had to be increased year by year[37].

Table 2: Evolution of number of refugees in camp and level of rations

Year	Food, shelter, non-food & camp management		Camp infrastructure, water, health & sanitation	Education, skills training & income generation	Protection & community services	Adminis-tration & other	Host commun-ities	Total	Year-end population
	TBBC	Other							
	(THB M)	(THB M)	(THB M)	(THB M)	(THB M)	(THB M)	(THB M)	(THB M)	
1984	3	2	5	-	n/a	n/a	n/a	10	9,502
1985	4	6	9	-	n/a	n/a	n/a	19	16,144
1986	7	5	9	-	n/a	n/a	n/a	21	18,428
1987	13	3	10	-	n/a	n/a	n/a	26	19,675
1988	19	4	10	-	n/a	n/a	n/a	33	19,636
1989	22	5	8	-	n/a	n/a	n/a	35	22,751
1990	33	5	10	-	n/a	n/a	n/a	48	43,500
1991	62	6	14	-	n/a	n/a	n/a	82	55,700
1992	75	6	20	-	n/a	n/a	n/a	101	65,900
1993	85	6	35	-	n/a	n/a	n/a	126	72,366
1994	98	7	64	-	n/a	n/a	n/a	169	77,107
1995	179	12	122	-	n/a	n/a	n/a	313	92,505
1996	199	12	88	-	n/a	n/a	n/a	299	101,425
1997	291	6	110	12	n/a	n/a	n/a	419	116,264
1998	447	6	118	21	n/a	n/a	n/a	592	111,813
1999	481	9	127	30	n/a	n/a	n/a	647	116,047
2000	457	9	198	56	n/a	n/a	n/a	720	127,914
2001	494	4	192	96	n/a	n/a	n/a	786	138,117
2002	581	2	188	115	n/a	n/a	n/a	886	144,358
2003	670	1	233	115	n/a	n/a	n/a	1,019	151,808
2004	763	-	177	157	n/a	n/a	n/a	1,096	155,785
2005	975	-	208	256	n/a	n/a	n/a	1,439	155,212
2006	1,056	-	248	219	n/a	n/a	n/a	1,523	165,857
2007	1,078	n/a	345	239	180	158	31	2,031	153,213
2008*	925	18	352	196	150	165	35	1,841	145,757
Totals:	**9,017**	**134**	**2,900**	**1,511**	**330**	**323**	**66**	**14,281**	

*Per budget

Source: TBBC 2008: 58

[37] This growing amount of rations caused additional problems for the humanitarian agencies, as the donors asked for more transparency, accountability and standardisation, which challenged the former community-based management system: "*The camps' supply management, while in many respects perfectly adequate, no longer met procedures required by donors for tendering, quality control and monitoring. Thus began a long process of re-design, training and implementing new systems to fit with the global humanitarian community's expectations. The systems had functioned on trust and informal agreements. Rejection of these systems implied a breakdown in trust which then had to be re-established*" (Thompson 2008: 27).

Distribution of rations in Mae Ra Ma Luang camp

The humanitarian agencies were increasingly restricted after the attacks as well, with the introduction of a camp pass system, more reporting duties, increasing bureaucratic hurdles to send supplies to camps, and later the introduction of a curfew for NGO staff, forcing them to leave camp by 4 p.m.

Another change that was introduced after the attacks was the formal involvement of UNHCR in 1998, as the RTG felt that the situation became too difficult to deal with informally due to the deteriorating security and protractedness of the growing refugee problem (Lang 2001: 8-9). In contrast to many other refugee situations, UNHCR thus does not act as an umbrella organisation, given the fact that they only started working on this border more than ten years after the first NGOs arrived. UNHCR undertook a major registration exercise in the camps and worked with the Thai authorities to formalise refugee admission procedures. These were then applied in newly established Provincial Admission Boards (PABs), in which UNHCR

has a monitoring presence[38]. However, these PABs regularly stop registering people if the provincial governor decides that no more new arrivals will be accepted, which results in a continuous backlog of tens of thousands of asylum seekers. The Foreign Affairs Division Office stated that the numbers of displaced Burmese arriving in the camps had to be kept at a minimum in order to adhere to national security concerns and to discourage any pull factors to the camps (FAD in JRS 2009: 18). It is thus foremost the implementation of the policy that prevents the realisation of protection for asylum seekers.

Thai officials do not use the term 'refugees' for the camp population but *'temporarily displaced persons'*: "A *'displaced person' (phu opphayop) is someone who escapes from dangers due to an uprising, fighting or war, and enters in breach of the Immigration Act*" (Muntharbhorn, as cited in Lang 2002: 92). This term is used to emphasise that their stay in Thailand will come to an end as soon as conditions in Burma are conducive to return. The 'temporarily displaced persons fleeing fighting' (or camp refugees) are entitled to protection and services in camp, as long as the conditions in Burma do not allow for repatriation. In the mean time, no permanent structures can be built in camp, the environmental impact must be minimised, and people are not allowed to leave the camp: "*I just hope that the Karen people remaining in Burma do not have to become refugees too. We are like chickens, kept in a cage under the house, fenced in and being fed*"[39]. Anyone caught outside camp is considered an illegal migrant and is subject to (often unofficial) deportation, regardless of whether or not they carry a UNHCR registration card. People who are not fleeing armed conflict but forced relocation or human rights abuses such as forced labour, cannot be recognised as refugees. These people

[38] While individual cases are thus reviewed by a designated body, this is still 'prima facie' recognition, as it is not the individual circumstances of each asylum-seeker that are looked into, but the objective circumstances in the country or area of origin (Rutinwa 2002: 9-10).
Such a PAB consists of the following members: the governor, the deputy governor, the provincial military commander in chief, the provincial immigration police superintendent, the provincial border police superintendent, the provincial team leaders of national intelligence agency, a UNHCR representative, the provincial defence officer and his assistant (internal document UNHCR, April 22, 2005). On the appeal board, there is no one from UNHCR.

[39] Interview with Karen refugee, Mae Ra Ma Luang camp, January 23, 2007.

(including all the Shan refugees) are thus obliged to self-settle and are simply called 'migrants' (Caouette 2002; SWAN 2003; HRW 2004: 11).

Until 2003, there was a special arrangement for urban asylum seekers, including Burmese political activists. They could apply to UNHCR in Bangkok or Mae Sot, who would then assess whether they were refugees under UNHCR's mandate, meaning under the 1951 Convention. Once recognised, they were called '*Persons of Concern'* (POCs) and carried UNHCR papers[40]. However, the RTG intensely pressured UNHCR to stop the RSD procedures for the Burmese from January 1, 2004 onwards (HRW 2004) – even if UNHCR has a universal mandate to conduct this screening. Moreover, the RTG decided to only continue to offer protection to already recognised Burmese POCs if they moved to the refugee camps. The POCs and asylum seekers who registered with UNHCR but did not move to the camps were in principle considered illegal migrants from March 2005 on[41]. The move was presented as a 'harmonisation process', in which 'all the Burmese refugees would be living together and treated the same' (HRW 2004: 5). This suspension of RSD procedures presented UNHCR with a severe problem though, since new asylum seekers kept on arriving. As an intermediate solution, UNHCR provided them with a kind of slips, after which they had to wait for the Thai PABs to reconvene, as these provincial bodies would now decide which urban asylum seekers needed protection. The asylum seekers who arrived in this intermediate period – which in practice was between January 1, 2004 and October 15, 2005 for Tak province[42] – were thus called *'PAB Slip Holders'*, but the slip did not protect them in any way. However, in 2006 it was decided that a part of the Mae Sot Slip holders also had to move to the camps by November 2006 (by themselves), after which they too were

[40] All non-Burmese nationals who apply for a status with UNHCR are also called 'POCs', as they are not allowed in the refugee camps. For this caseload, UNHCR is still responsible for RSD procedures.

[41] This was communicated very clearly but at very short notice in a 'Notice to all Myanmar POCs', on March 11, 2005. This letter is available in a press release of Human Rights Watch (2005) 'Burmese democracy activists targeted by Thai government', March 29, 2005, http://www.hrw.org/en/news/2005/03/28/thailand-burmese-democracy-activists-targeted-thai-government, consulted: June 30, 2009.

[42] Interview with Elizabeth Kirton, Head of UNHCR Field Office Mae Sot, January 3, 2007. These dates are the ones enforced in Tak province, but the exact dates will have been different in other provinces. The provincial governor has quite a lot of decision power in refugee matters, which explains the differences across provinces.

recognised through the PAB system. The remaining Slip holders, as well as the new arrivals (who again received slips from September 2007 onwards) remained without protection, indicating the ineffectiveness of the system (Chen Lee and Glaister 2008: 33).

Another policy change in 2005 was the agreement of the Thai government with resettlement programmes as a form of burden-sharing by the West, which is currently the only durable solution available for the Burmese camp refugees. As this could (and does) present a pull factor, the Thai Government has in practice closed the gates, by refusing to register new arrivals and as such denying them protection. On top of that, uninformed repatriation from the camps has been promoted by groups affiliated with the high-level National Security Council by offering money to return (THB 300-600) and making returnees sign a document to never to flee to Thailand again[43] – a flagrant violation of the non-refoulement principle. In addition, asylum seekers and even refugees have been and are frequently pushed back by the Thai army to the other side of the border (see for example USCRI 2009). All these decisions have led to a severely worsening asylum climate, though UNHCR is negotiating with government agencies on this matter.

The key agencies in the Thai refugee policy are the National Security Council ((NSC), highest and most powerful civilian decision-making body directly concerned with refugee policy), the Ministry of Interior (MOI) and the Border Patrol Police ((BPP), policing element of the MOI) and to a much lesser extent the Ministry of Foreign Affairs (Lang 2002: 95-96). On the ground though, the most important actors are the Royal Thai Army (RTA) and special paramilitary forces (e.g. the Orsor). This large influence of armed forces is not so surprising in a border context which is constantly in a high state of security, not only due to the influxes of thousands of people, but also due to boundary disputes, large-scale drugs trafficking (mostly methamphetamines), the civil war across the border and the periodic military incursions resulting from that, retaliatory border closures from the Burmese side

[43] Several respondents from various circles mentioned this independently from each other (NGO staff, CBO staff, camp management staff and refugees). I also personally met one of the NSC men in a camp on various occasions, but of course I was never present when a bribing move was made.

and these more. Thus while the official refugee policy is to a large extent decided by the NSC, the army's Commander in Chief and other senior army officers usually have the largest authority on border issues and security, such as when decisions have to be made on relocations of refugee camps. Also the implementation of the national policies on the local level can differ greatly from the official policy, since regional authorities such as the Provincial Governors determine a lot in practice (e.g. which kind of projects humanitarian agencies can test-pilot etc.). Whatever has been decided at the national level is thus not necessarily carried out as such (for better or for worse), but is always open to local negotiation and flexibility.

3.3.2 The Thai foreign labour policy and its impact on access to work for refugees

Generally speaking, illegal entrants are not allowed to seek employment in the country, but for economic reasons illegal migrant workers have periodically been 'regularised' through registration processes. A series of Cabinet decisions have allowed an increasing number of migrants from Burma, Cambodia and Lao PDR to work in the country. The first of these regularisation processes occurred in 1996, when illegal migrants could register for certain jobs in some provinces until quotas were filled. Yet in 1997, the economic crisis in Asia led to a conservative reaction by the Thai Government, resulting in mass deportations. An acute labour shortage in industries on the border was the consequence, as employers could not find Thai replacements for the Burmese workers (MAP 2007). This led to a cabinet resolution in 2001 which paved the way for another round of migrant registrations, this time without quotas, stating that: "*owing to the lack of Thai workers' willingness and ability to work in some hazardous jobs, (employers have been permitted) to employ illegal foreign workers temporarily prior to deportation*" (cited in Martin 2004: 23). Registration thus became possible for low-skilled jobs in various sectors and employers were eager to register at least a part of their illegal work force in order

not to lose them through deportations. The (until very recently) last amnesty round for the registration of new migrant workers occurred in 2004, when 610,106 Burmese people received work permits that were valid for one year (Huguet and Punpuing 2005: 31). Recognised refugees could not take part in this process though. As Muntarbhorn (2004: 24) rightly points out, there is an irony to this situation: "*While those seeking refuge for reasons of persecution or warfare are not allowed to work, those who enter illegally for economic reasons are increasingly allowed to work. Would asylum seekers not be better off by claiming (illegal) migrant worker status?*".

In December 2005, the RTG decided that registered workers could extend their permit, at a cost of THB 50,000 – an enormous amount, which generated a lot of protest from employers all over Thailand (as they, and not the people concerned, need to start the registration process by indicating how many foreign labourers they expect to need for their company). This resulted in the adaptation of the requested amount to the usual THB 3,800, leaving the people who had already paid frustrated and the others without trust in a system that keeps on changing rules. This led a local Thai businessman to say:

> "*There is an urgent need for a clear new registration round. I paid for my workers and then suddenly after a few months they said we needed to re-register because policy changed, but I could not get any refund. And now for the new workers, you simply cannot register them. It has also a lot to do with political issues. So if the police go to any factory now, they can arrest people. Any factory in town*"[44].

The consequence is that the number of registered workers went down again, not reflecting the actual number of foreign labourers present in Thailand: *"In many respects the distinction between regular and irregular status is not especially important. In fact, both labels would apply to many of the migrants, depending on*

[44] Interview with a factory owner in Mae Sot, 3 October 2007.

the time reference" (Huguet and Punpuing 2005: 53)[45]. It is thus problematic to look solely at the number of registered workers to indicate the real numbers of Burmese people outside the camps.

The biggest employers of migrant workers (in terms of numbers) are the rice and fruit farms in the north and the rubber plantations in the south of Thailand (Revenga 2006: 34). In general, within their sector of employment, migrants are working in some of the least attractive jobs. The Burmese usually work in agriculture or construction or in export-oriented sectors such as processing fish products and textile. Certainly these sectors need cheap, foreign labour to retain their competitive position in the international market. The wages earned by migrant workers are thus usually below the minimum wages in Thailand, but there is hardly any control on these wages, as the Ministry of Labour (MOL) is understaffed and has a restricted mandate (Huguet and Punpuing 2005: 48). Moreover, even these low wages are still considerably higher than what these people would earn in their own country, which is why they accept this low remuneration anyway: "*In Burma you can get soup for the whole family for 1,000 kyat (about one US$, ed.). So even if you earn only THB 60 here, you can feed your whole family with that in Burma. There you can't even earn 2,000 kyat per day, so it is difficult to feed your family. More and more people will come"*[46].

If workers get registered, on average they tend to earn more than their non-registered counterparts (Revenga 2006: 53). Other employee-benefits of the registration is that it gives them a certain legal status, as well as access to health services, access to the justice system and access to Thai schools for their children. Still, many problems remain, one of which is that their legal status remains ambiguous:

[45] As the (until very recently) last round of amnesty was in 2004, only workers that already had a work permit could re-register in 2005 and 2006. Their work permit is only valid for one year, which requires a re-registration, when and if this is organised. But it often happens that the re-registration only opens for example in May, while the old permits expire in March, pushing the employees and their employers again into illegality in the meantime.

[46] Interview with Karen community worker, Phop Phra village, October 2, 2007.

> "*Despite being registered with the Ministry of Interior and having obtained a work permit, registered migrants are still considered 'illegal' according to the immigration law because they have usually either entered without permission or overstayed their temporary border passes. This leaves them open to possible harassment by employers, the police or other officials. Following the 2004 tsunami, for example, scores of migrants were deported to their native countries even in those cases where they had registered (many had lost registration papers in the wake of the disaster). Others fled because of fear of deportation"* (Revenga 2006: 30).

Furthermore, the registration ties the worker to the employer. If they want to change jobs, they only have seven days to find a new job or else they lose their legal status. The registration also brings the person into debt with the employer, and the employers will often deduct the costs of the documents from the wages. The registration is also only valid for one year (not longer and not seasonally), and is not possible in self-employment or agriculture, which is the sector in which most Burmese people are employed. Burmese workers cannot easily improve this situation as they are not allowed to form labour unions and often work in areas where Thai unions are hardly present. While the Labour Protection Act of 1998 supposedly applies to all workers, including the non-registered ones, in practice the enforcement of this law is very weak: "*It is likely that most migrant workers and the NGOs that assist them would claim that there is essentially no enforcement of these provisions of the Act for migrant workers. (…) Thailand has not signed several key ILO Conventions that would guarantee protection of migrant workers"* (Huguet and Punpuing 2005: 64-65). Even if these amnesty rounds were a large step forward in trying to regularise the situation of thousands of needed illegal workers, at a scale unprecedented anywhere else in the world, many problems thus remain for the employees and employers alike.

In September 2006, internal Thai politics once again led to a change in the migration policy. Prime Minister Thaksin was overthrown by the military, leading to

a caretaker government headed by General Sonthi. This interim government put a strong focus on national security, with Sonthi himself encouraging provinces to declare martial law for legal and illegal Burmese outside camp, curbing their right to movement, public gatherings, use of mobile phones, right to give birth inside Thailand and the imposition of a curfew (Bangkok Post 2007: 2)[47].

Of course people could try to enter Thailand legally, which would do away with some of the problems but the cost of obtaining a passport is prohibitively high for most workers due to corruption in Burma (Chantanavich et al. 2007: 13). Burmese ID cards on the other hand are not considered by the Thai government as a sufficient proof of identity for labour registration purposes (Rukumnuyakit 2009: 5). Also obtaining a visa is usually not possible for unskilled aliens (Lay Lee 2005: 166). These conditions will change in the future though, as Thailand, Burma, Cambodia and Lao PDR are trying to improve legal migration between their countries. Thailand has signed a Memorandum of Understanding (MoU) with these three countries to match supply and demand of labour. While the MoU with Burma has not been implemented yet, it was said in January 2009 that it would come into effect in February 2010. Every Burmese migrant worker would then need to go to the border to register legally with Burmese officials (‘*the national verification process’*) and get a passport, instead of the current system of registrations (Hseng Khio Fah 2009a; CCSDPT January 21, 2009, internal document). The worker would also need to pay 15% of his/her wages to a repatriation fund, which will be used to send migrants back after their work permit expires (Rukumnuyakit 2009: 11). However, migrant organisations are afraid of the impact of this new system on the human security of the people involved and are negotiating with the MOL on the procedure, thus it is not yet certain how this process will be executed in practice. In the mean time, it was suddenly announced at the beginning of June 2009 that there would be a 7th and final *new* registration round for 19 sectors in July (the first

[47] This last aspect was added to avoid citizenship claims of children born of foreign women on Thai soil, but has led to a disturbing rise in unsafe abortions, as women do not have any intention to return to Burma to give birth and prefer to abort the unborn child instead. The prohibition regarding the use of mobile phones has to do with a concern that mobile phones could be used by foreigners for terrorist activities.

one since 2004) (IOM 2009). This came as a surprise, given the downturn of the global economy that also affects Thailand. While a few hundred Burmese workers had been fired at the end of 2008 and all experts feared a further downturn like in 1997 (Lawi Weng 2009b), apparently the need for foreign employment remained high. As a compromise, it was decided that employers would be compelled to give Thai citizens priority for jobs until seven days after the vacancy announcement, before foreign labourers can be hired and registered (Hseng Khio Fah 2009b). During this registration period, border checkpoints are to be strongly tightened by increased patrols of police, army and navy.

This overview makes clear that the Thai policy on foreign labour is very confusing. Policies on labour, migration and security constantly contradict each other. While illegal entrants are not allowed to work, at the employers' request, periodical but unpredictable registrations of illegal workers have been organised. Moreover, regional economic policies encourage labour flows and the use of foreign labour is actively promoted in Thailand's border zones, but the movement of workers is strongly discouraged, as registered workers are tied to the employer and restricted to a certain area, to the detriment of people's fundamental rights. These policies totally contradict each other:

> "*Thailand has struggled with the management of its migrant workforce because it lacks clear and coherent labour migration policy and little regular dialogue has taken place among the agencies involved. Moreover, there is very limited involvement of the social partners, i.e. workers' and employers' organizations, in the social dialogue. Even though Thailand has successfully registered a large number of low-skilled migrants, the policies that relate to these workers are inconsistent with the country's national development objectives*" (Rukumnuaykit 2009: 12).

Depending on the time of crossing and the destination in Thailand, several 'categories' of Burmese can be distinguished (Huguet and Punpuing 2005: xiii; IOM 2007; UNHCR 2007c):

1. 'Displaced persons fleeing fighting' and people fleeing discriminatory persecution, registered with UNHCR and de facto treated as refugees: 117,000 (November 2008).

2. Legally present migrants: 1,284,920 in July 2004, large majority Burmese (data provided by Ministry of Labour, September 2006).

3. Legally working migrants: in the group of legally present migrants, 849,552 have work permits, great majority Burmese (data provided by IOM, August 2007). The reason for this discrepancy with the former category, is that the procedure to get a legal work permit is long, difficult and costly, which entails that not all registered migrants continue this process.

4. Illegal migrant workers: totalling up to 816,000 in 2001 according to the Ministry of Labour, but real number unknown.

5. Burmese people who hold (coloured[48]) Thai identity cards. Number unknown.

Since the statistics on the 'migrant workers' do not account for their families and the numbers of illegal people and people with Thai identity cards are unknown, it can reasonably be estimated that there are *at least* two million Burmese people in Thailand[49]. The Burmese diaspora thus makes up a significant minority in a country with a total population of 65 million (NESDB 2006). About 135,000 people from this

[48] Depending on the colour of the card, the holder has the right to temporarily or permanently reside in a village, or travel in a district or province. In exceptional cases, the holder has the right to move all over the country. These coloured cards are normally intended for Thai hill tribe people, such as the Karen, Lisu and Lahu, who have lived in Thailand for generations.

[49] In fact, UNHCR admits that there are 3.5 million persons of concern in Thailand of which they do not know the location, which is the figure of stateless persons in Thailand (consisting of Thai hill tribe populations, 'immigrants' and their descendants) (UNHCR 2009).

group are residing in one of the nine official refugee camps[50]. All the others are living outside camp, either legally (categories 2, 3 and 5 above), or more likely illegally. People can quickly find themselves in the illegal group if they violate travel- or employer-related restrictions of their permit, or if policy changes without their knowing.

3.4. Refugees in camp and migrants outside camp? The migration-asylum nexus on the Thai- Burmese border.

Although both the Thai Government and the NGOs keep a clear distinction between 'migrants' and 'refugees', the division is less clear in the field: both groups work, despite the fact that refugees are supposed to be confined to the camp, and the term 'migrants' disguises the fact that the great majority of them had no option of staying in their home country. The following quotes are fractions from life histories of so-called 'migrants' in Thailand, living outside the camps.

> "*I arrived in Thailand 17 years ago. I used to be a farmer in Burma, but during the war, the SPDC forced me to do portering. My land was taken away by the DKBA. I came to this village and ever since my arrival I earn some money by selling snacks. I can't go to camp because my children go to the Thai school here. I can't get an identity card, so I have been deported to Myawaddy six times since I arrived. I just come back every time. Life is simple for us. We are illegal, thus*

[50] According to UNHCR's figures at the end of 2008, there were close to 117,000 officially registered refugees while the Thai Burma Border Consortium's feeding figure at that time (November 2008) for the nine main camps was around 135,000. The reason for the discrepancy is that the population is constantly in flux, with people moving in and out of camp for work or resettlement, while new arrivals keep flowing in. Also not all residents, for one reason or another, register in camp, while the UNHCR statistics count everyone registered with them and falling under the 'person fleeing fighting' and Convention definition, regardless of place of settlement. The feeding figures on the other hand correct for flows inside and outside camp monthly and are thus the most accurate indication of actual camp populations.

that is how it works. At least here we don't have to flee soldiers all the time or do portering".

(Interview with Karen Muslim man (sic), Tha Son Yang, November 14, 2007)

"*I was a kind of medic for the KNU. I did not want to but our village had to give them four people and my family did not have enough money to pay them off. So I had to go. I worked for them from 1980 until 1994. But they did not give enough food to my wife and family, so every time I came home I had to cut wood and find vegetables for them. After all those years, I had done my duty. They still wanted me to come back but I refused. (...) We try to work on our land across the border, but only when it is safe. If we would not go once in a while, the soldiers would seize our land. We do contract labour for a firm in Mae Sot now. It is very hard though; some years we don't have profit at all, and can't buy salt or chillies*".

(Interview with Karen man, Mi Klo Khi, February 7, 2007)

"*I was a trader, so I travelled a lot across the border, but the SPDC accused me of connections with a rebel group, so I had to flee. I tried to stay in the refugee camp but we did not receive rations and after we had spent all our money, we had to leave.* Why didn't you receive rations? *Because you need connections; relatives who can introduce you to the section leader. If they don't care about you, you don't receive rations*".

(Interview with Muslim man, Mae Sot, 2 December 2006)

Push factors almost always stem from interlinked political and economic root causes in Burma (migration-asylum nexus). Although the final trigger may be a form of extreme poverty, the root causes of the displacement are political and military.

They are all fleeing a pervasive climate of insecurity, human rights abuses, loss of livelihood options[51] and often a lack of protection from the military government[52].

Furthermore, the law in Burma permits the junta to strip citizens from their nationality if they have been away for one year or even shorter, regardless of the reason they left the country (Lay Lee 2005: 158). Burmese people can also cease to be citizens "*for trading or communicating with an enemy organisation or member of an organisation hostile to the state; committing an act likely to endanger the sovereignty and security of the state or public peace and tranquillity; showing disaffection or disloyalty to the state by act or speech*" (Lay Lee 2005: 158). Many of the Burmese in Thailand are thus bound to be stateless[53], either because they have not been in the country for a long time, or because they are seen as rebel sympathizers if they reside in camp. In addition, any person can be facing lengthy jail sentences upon deportation to Burma (penalisation for re-entry), which makes return dangerous for many: "*A Rohingya youth was sentenced to five and-a-half years in prison by a Maungdaw court on June 13, on the orders of Burma's border security force, on allegation of crossing the Burma-Bangladesh border*" (Kaladan News 2008). This sentence is based on SPDC regulation 367/120-(b) (1) which states that illegal emigration carries a sentence of up to seven years' imprisonment (HRW 2004: 13).

Also at destination sites the distinction between migrants and refugees is often difficult to make. Regardless of the original reason or the level of preparation for their flight, people tend to go to places with economic opportunities. Even the people who fled because of the war would need a job in the host country, to take

[51] If people are faced with a complete loss of livelihood opportunities, they have no option to remain, which is why this kind of migration can be called 'distress or survival migration' (South 2006).

[52] The UNHCR makes the difference between a migrant and a refugee as follows: "*A migrant usually leaves his/her country voluntarily, to seek a better life. To a refugee, the economic conditions of the country of asylum are less important than its safety. In practice, the distinction may be sometimes difficult to establish, but it is fundamental: a migrant enjoys the protection of his/her home government; a refugee doesn't*" (UNHCR 2001: 120).

[53] This refers to *de jure* statelessness as the person finds itself to be without a nationality (Lay Lee 2005: 112-113). The refugees are also *de facto* stateless as they can no longer count on their state of origin for protection, even in the case that they did retain their nationality.
It is therefore not surprising that Thailand hosted the largest number of stateless persons in the world in 2008, consisting of both hill tribe populations and 'immigrants' and their descendants, mostly Burmese: 3.5 million out of 6.5 million stateless persons worldwide (UNHCR 2009: table 7).

care of themselves and family members left behind. Also refugees will thus try to maximise their welfare within the opportunities presented by the immigration and refugee regime (Lindley 2008: 7). Both refugees and migrants might thus live in a town, work in factories, send remittances to family members, etc. Therefore not only the causes of the flight are intermingled, but also the lives in exile tend to be very similar.

Why would refugees decide to bypass refugee camps and self-settle, if they could receive protection and assistance inside camp? On what basis do they make that decision (mentioned as a research gap in Napier-Moore (2005))? The most important reasons mentioned in interviews were the desire to work and to remain the master of one's own life. This is the freedom that self-settlement and local integration give to a refugee, in contrast to refugee camps: "*The 'enjoyment of rights' is often touted as a measure, assessed through welfare indicators – access to food, health, education, employment, etc. But this may be missing much of the point of how refugees experience local integration. The freedom to act politically and strategically, i.e. the 'freedom to pursue normal lives' (Smith 2004: 38), may be the much more important criterion. The main tragedy of warehousing is the constraint of this freedom*" (Polzer 2008: 17). Other explanations that were given for living outside camp were the desire to trace family back home and keep in contact with them (which is very difficult from inside the remote camps) or having family in a Thai village prior to arrival. Some people also chose to live in town because they originated from cities and knew how to survive there, or had social networks that connected them to Thai cities rather than camps, which partly explains the low percentage of urban people in the rural-based refugee camps: 4% (Oh et al. 2006: 49).

Refugee camps may also be by-passed because there is simply a lack of knowledge on the existence of the camps (and in several cases the current camps did not exist yet upon entry of respondents in Thailand) or of the procedure of entrance into the refugee camps:

> *"People who objectively qualify for refugee status under domestic or international law may have no direct exposure to anyone who can inform them of their rights and guide them through the asylum process. As a result, many would-be (or should-be) refugees simply do not apply for asylum. Secondly, even those who know their rights may have difficulty in finding the appropriate individual or office to file a claim. The absence of immigration offices in areas where someone lives may make it too expensive (in time and transport) to apply. For those without proper documentation, travelling also exposes them to the risk of discovery by immigration officials or other problems with the local police"* (Landau 2004: 8).

Other refugees feared entering the camps because they belong to a different ethnic, religious or rebel group, as seven out of nine camps are under the influence of the Karen rebels and their Christian leaders, while the remaining two are under the influence of the Karenni rebels (the KNPP). For example, for people associated with the breakaway factions of the KNU (the DKBA and the 7th battalion/Peace Council) life in the camps can be really hard and even dangerous[54], with tatmadaw deserters being in the most precarious position of all: "*My biggest concern is for the SPDC deserters. They are not black or white, they don't fit in anywhere, fall between all groups. In camp they can get killed"*[55]. Religion is an influential factor as well. While about 15 to 20% of the Karen are estimated to be Christian (Thawnghmung 2008: 3), they are overrepresented in camp, where they consist about half of the population. As neither the SPDC nor the DKBA targets populations

[54] When Huay Kalok camp was burnt down by the DKBA in 1998, the camp was relocated to the current Umpiem camp. However, many of the DKBA-related refugees feared the high presence of the KNU in Umpiem and the political tensions that would come with it. Therefore, they started working as daily labourers in the surroundings of the old camp (Email conversation with NGO staff member in Mae Sot, June 25, 2008).
A more recent example of the KNU influence on the camps is an assassination in Mae La camp in 2008. The KNU had to endure a breakaway faction in 2007, namely the 7th Brigade/Peace Council, which led to severe attacks of the KNU on this faction. Moreover, one of the leaders of the Peace Council was killed by a bomb blast, believed to be carried out by the KNU (Mc Cartan 2008; Saw Yan Naing 2008a). Even if it has not been proven, it is widely believed that members of the Peace Council have in revenge killed Mahn Sha, the General Secretary of the KNU, in his home close to Mae Sot. As a reaction to that high-level assassination, another member of the Peace Council who lived in Mae La camp was killed.
[55] Interview with NGO staff member, Mae Sot, December 9, 2007.

on the sole basis of religion, the only reasonable explanation for this finding is that connections with Christian powerholders are important in getting access to the camp. Also money can be an obstacle. Even to get in camp, people need sufficient cash for transport and to bribe at checkpoints on the road, or to pay traffickers or the KNU to get through the checkpoints (THB 4000 with KNU)[56].

An external factor influencing the choice of residence is the changing policy of the RTG. At the end of 2005, the RTG decided to end all processing of asylum requests, as they (rightly) feared that the establishment of resettlement programmes for camp refugees would create an additional pull factor. As a result, all new arrivals (registered with UNHCR after October 15, 2005 or not registered) are obliged to self-settle as well.

> "*I come from Mon State. I was an SPDC soldier. After ten years in the army you are allowed to leave, so I did, and I went to work in Thailand. When I saved enough money, I went back but I was accused of desertion by the SPDC and put in prison for seven years. The moment I got out, I fled to Thailand and I applied to UNHCR in November 2005, but apparently that was too late. Can you help me? I have a UNHCR slip, but they have not even interviewed me yet. I am a real refugee, I really cannot go back. They told me I would be able to go to Nu Poh camp next time, but I don't know when that is. And I do not have the contacts to go to camp now*".
>
> (Interview with Muslim political refugee, Mae Sot, December 2, 2006)

This touches upon an important problem of the process of refugee recognition. While people can pre-register as asylum seekers, it can take years before the Provincial Admission Boards meet up to recognise them as refugees (as explained in Section 3.3.1). In the mean time, even if they get in camp, there is a problem with assistance for asylum seekers. They need to register with the section leader in camp to get rations, who then reports the figure of new arrivals to the camp

[56] Interview with NGO staff member, Mae Sot, December 9, 2007.

committee. These figures are then verified by local NGO staff, before rations are given. But if there are too many new arrivals (the backlog for Tak province alone stands at 45,000 people in October 2008), only the most vulnerable people get assistance[57]. If an asylum seeker does not belong to that group, he/she needs either connections or bribe money to survive in camp.

Last but not least, some ethnic groups, notably the Shan, are not allowed in the camps because they are ethnically related to the local population and thus supposed to be able to take care of themselves. Unofficially, it is common knowledge that the RTG is counting the Shan as illegal migrants because their numerousness would make Thailand's number of refugees explode[58].

Given all these different causes that lead to self-settlement, it is not surprising that a study by International Rescue Committee (IRC) (1,704 respondents) revealed that 30 to 50 % of the self-settled population (depending on location) fled for the exact same reasons as the camp population did and were therefore eligible for refugee status (Green et al. 2008). However, I would argue that the actual percentage of Burmese 'migrants' in need of international protection and recognition is likely to be even higher than 50%. After all, this IRC study did not take into account that a number of populations, such as the Rohingya Muslims and all the children born in Thailand, are de jure stateless. Secondly, they did not include mixed (Burmese and Thai) Karen villages into the sample, where people might be better integrated into Thai society but nonetheless fled because of the war. And thirdly, the questionnaire did not probe for additional information when people said they left Burma because they were poor. In contrast, more open interviews would often have revealed that the reasons for that poverty were precisely the war, discrimination, forced labour, arbitrary taxes, etc. (as was the case in my own interviews).

[57] Email conversation with NGO staff member based in Mae Sot, November 2, 2008.

[58] Apparently, a registration process had started for the Shan before 2005, with funding from the Japanese government, but the process was abandoned when the number reached over 700,000 (Email conversation with NGO staff member based in Bangkok, June 23, 2009).

According to international refugee law, the causes of the flight determine who is a refugee, and not the choice of residence in the host country. The analysis above makes clear that the strict dichotomy between 'refugees in camp' and 'economic migrants outside camp' can seriously be questioned. The camps are simply not always able to perform their key function, namely providing an asylum space for everyone who needs it. Therefore, it was decided to use the term '*self-settled refugees*' in this study for the substantial number of Burmese citizens outside the refugee camps, even if it is acknowledged that different subgroups within this population have divergent protection needs (highest for political refugees). The Burmese people have actually developed their own term for Burmese refugees in need of protection outside camp, namely 'Externally Displaced People', in analogy to 'Internally Displaced People'. However, I decided to use the term 'self-settled refugee', as is common in academic refugee literature. This entails that all Burmese people in Thailand are called 'refugees' in this study, in contrast with the legal categorisation. The only exception to this rule is when policy is discussed, as self-settled refugees are affected by the Thai government's migration policy that defines them as (illegal) 'migrants' and 'migrant workers'.

In the following sections, the specific conditions and power structures within and outside refugee camps will be compared.

3.5 Being a refugee on the Thai- Burmese border: setting the scene

3.5.1 Refugee camps

The refugee camps are spread all along the border and are roughly divided by ethnic groups. The four Mon camps ('resettlement sites') are on the Burma side of the border across Kanchanaburi province (9,367 refugees), the two Karenni camps are in Mae Hong Son province (23,426 refugees), and the other seven camps are Karen camps, one in Ratchaburi province (7,564 refugees), one in Kanchanaburi

province (4,437 refugees), three in Tak province (70,410 refugees) and two in Mae Hong Son province, right on the border with Tak (32,484 refugees) (TBBC 2008b: 5).

The terrain is generally mountainous and heavily forested. Some of the camps are surrounded by barbed wire, and most are located in very remote regions, just a few kilometres from the border. They are divided in zones, sections and blocks of ten households, each with their own leaders. The houses of the refugees are built in bamboo with a leaf roof (non-permanent material), purchased of local suppliers. On the positive side, these local materials give a village-like feel to the camps, but the bamboo houses are often located very close to each other, which makes privacy an impossible luxury.

Mae La Oon camp

The coordination between the different camps is done by ethnic refugee committees (RC), who are responsible for relief assistance coordination and liaising with NGOs, UN agencies, the RTG and security personnel (TBBC 2008: 56). They are the overall representatives of the people from their ethnic group living in the refugee camps. Each refugee committee maintains an office in the nearest Thai town to the refugee camps. The Mon National Relief Committee (MNRC) maintains an office in Sangklaburi, the Karen Refugee Committee (KRC) in Mae Sot and the Karenni Refugee Committee (KnRC) in Mae Hong Son.

Within each camp, an elected camp committee is responsible for the administration and management of the camp. They oversee the distribution of rations and the maintenance of the camp as well as ensure law and order, together with civilian security guards. The security around the camp and the control of the entry gates to the camp is provided by Thai military forces. Of course, all of these people (elected or appointed) and the ethnic army leaders are in a relative power position vis-a-vis 'common' refugees and corruption is widespread, which the following fragment illustrates: "If you have a problem, who would you go to? *To no one. Even if you tell the leader, they do not do anything, unless you pay them. And then like yesterday, I got a visit from a camp friend, and the security guard arrested him, and we had to pay THB 200 to get him out. Nor we, nor our friend know why he was arrested. They have the power, they do what they want*"[59]. Access to justice is thus not always assured. In spite of the formal judicial structures, the most common method for dispute resolution is a hearing, in which all the parties are listened to and the section leader or a member of the camp committee then tries to mediate and negotiate (IRC 2006). In contrast to common findings in other refugee situations, the elders thus lost their conflict-mediating role in exile to people connected to the camp management system (who are very powerful as they distribute rations). Social positions have thus been renegotiated in exile. Cases only very rarely go to Thai courts, even if this is normally required for severe crimes

[59] Interview with Karen refugee in Mae La camp, December 21, 2006.

such as rape or murder, and there is generally a lack of legal knowledge and capacity of all stakeholders (IRC 2006). In response to these findings, a 'Legal Assistance Project' has been set up in several camps to improve access to justice for camp refugees, but the process is very difficult as it challenges the traditional authority of the rebel organisations and *their* law and order. This is also seen in other areas of development that would entail cultural, social and perhaps political change: "*This is best illustrated by the fact that there are no Karenni NGOs within the refugee community. There are government departments, women's groups, youth groups and church groups (all affiliated with the government) (…) but NGOs are not yet present, perhaps because it is feared that they may call the reigning political authority into question"* (Demusz 1998: 238).

Next to this issue, people living in refugee camps have livelihood problems, which are not unique to this case: "*The attempts that refugees themselves undertake to develop sustainable livelihoods are often obstructed in these camps by the fact that they have limited freedom of movement, no access to land or capital, or are obliged to work for exploitative wages. In general, refugees have very limited livelihoods-related rights. (...) Furthermore, a hand-out approach is common in most of these camps, where in the absence of sound and sustainable economic alternatives refugees are forced to live on food rations, though these rations do not provide them with sufficient means to make a living*" (Horst 2006a: 6). Camp refugees in protracted refugee situations also have limited civil and political rights, limited legal rights and limited freedom of choice. In the words of Jeff Crisp, Director of the UNHCR Policy Development and Evaluation Service (2003: 11): "*The right to life has been bought at the cost of almost every other right*". Thailand is no exception to this picture. While camp refugees receive rations and have access to services such as education and health care, they have little rights and are not allowed to leave the camp to supplement their rations. In practice they do leave to find daily work though, as will be explained in Chapter 4 on livelihoods.

A side-effect of the concentration of large numbers of Karen(ni) people in the camps is the rise in Karen(ni) nationalism (see also Thawnghmung 2008):

> "*For most ordinary citizens in the border zones, 'national' political aspirations remain far from their day-to-day livelihood struggles. (...) But the very act of becoming a 'refugee' immediately exposes distinctive ethnic subgroups and cultures to others who also live in the territory called 'Kayah/Karenni State' but with whom they had limited contact prior to entering the camps. (...) The shared experiences (...) have helped to create a new historical sense of collective uprootedness that makes people more receptive to notions of 'togetherness' such as 'common identity' and 'homeland'*" (Grundy-War and Wong 2002: 109).

This nationalism is also clear in the curriculum of the Karen camp schools, through which children are taught about an idealised Karen homeland, '*Kawthoolei*'. This Karen curriculum in camp, established with foreign help, diverges so much from the Burmese government one, that it is impossible to re-integrate these Karen refugee children into the Burmese system, but on the other hand it is not adapted to the Thai system either (separatist education system (South 2008: 96))[60]. Refugee children are pushed to learn S'ghaw Karen language, to the detriment of Burmese and Pwo Karen. The reason for that is that the official education in Burma is compulsory in Burmese, which is an important grievance of the ethnic politicians, but by strongly focusing on Karen language and history in the camps, "*ethnic nationalist education policies mirror the regime's discouragement of the teaching of minority languages and histories from minority perspectives in central Burma*" (Fink 2003: 4). In addition, children are obliged to wear Karen traditional clothing in school to re-stress their roots (as witnessed in Nu Poh camp), and whenever festivals are held, the Karen national anthem is sung. Even children who have never been in Burma thus dream of return and constantly draw Karen flags, visualising

[60] Various authors mention how education becomes even more important after displacement because it is a movable asset (Vincent and Sorensen 2001: 273-274; Dryden-Peterson, as cited in Horst 2006a: 8), but as Horst (2006a) mentions, whether education is *really* of value depends on the curriculum, the language of instruction, the certification and the quality of the education. Education needs to prepare the pupils for a life in either the country of origin, the host country or a third country. Neither of these options is currently aimed for. On the other hand, the fact that Karen children even come from inside Burma to follow education in the camps indicates that the quality is considered better than across the border.

their lost land and mimicking the nostalgia of their parents and teachers. As a result, the idea of many ethnic nationalist leaders that one's ethnicity is the most fundamental form of political identification is reproduced in exile, posing a serious challenge to people of 'mixed blood' and to any kind of cooperation in which ethnicity does not play a role (Fink 2003). Such as rise in ethnic nationalism is not exceptional in cases of mass influx, certainly if the ethnic element played a major role in the conflict, potential trauma and subsequent displacement (see for example Durieux (2000: 7) on Hutu nationalism of Burundian refugees in Tanzania).

Certainly the Karen, but also most of the other ethnic minorities from Burma in Thailand, are thus '*a diaspora*', as they satisfy the four criteria put forward in the diaspora definition by Bakewell (2008b: 5):

- movement from an original homeland to more than one country, either forced or voluntary
- a collective myth of an ideal ancestral homeland
- a strong ethnic group consciousness sustained over a long time
- a sustained network of social relationships with members living in other settlement countries.

Another important element in Karen nationalism is Christianity, as all the KNU leaders and most camp committee leaders are Christian, which leads to tensions with non-Christians (e.g. Muslims in Mae La camp). This is not surprising of course as refugees carry a particular baggage with them from Burma, characterised by inter-ethnic but also inter-religious (e.g. KNU-DKBA) tensions as well as certain racist feelings towards Chinese and Indians; Muslim people are often called 'Indians' or 'Bengali', because their skin is more black, even if they have lived in Burma for generations. This baggage is often ignored as the complex identities of a person are reduced to one: that of a refugee (Horst 2006c: 14). These tensions and the distrust nonetheless exist at all levels, as the following extract from an interview with the KRC vice-chairman demonstrates: "*Burmese (Burman, ed.) people tend to feel better than ethnic minority people, it is not just the SPDC. If they do not feel the same level as us, then we cannot negotiate with them. (...)*

Foreigners came to talk to us about resettlement and I warned them: 'Be careful. You accept all these people but all young Muslim people are extremists!'"[61]. The result of these tensions is a differential access to goods and services for non-Christians. While better representation of the minority groups in this context would do away with this differential access (but not with the root causes), the prevalent feeling is that this venue is blocked: "*Yes, there are tensions between different religious groups and between Karen and non-Karen. That is why we applied for resettlement. We cannot do anything to improve our situation as the camp leader doesn't do anything if we come to him with problems. He is Karen and Christian. There is religious discrimination. We cannot propose candidates for elections, only Karen people can. (...) The section leaders are Karen too. They don't speak Burmese and I don't speak Karen. And that also means that we never understand it if there is any news, we never know what is going on. There are not many Burmans here, so if we have a problem, we just talk to each other"*[62]. These tensions with the Christian power holders do not mean that there is no freedom of religion in the camps. There is, which is demonstrated by the existence of mosques and temples, next to numerous churches.

The KNU and KNPP thus do have quite some presence and leverage in the camps, which is both a tactical and practical choice. On the tactics side, the contact with outsiders through the refugee camps can increase the rebels' legitimacy: "*The elicitation of outsiders' understanding, support, assistance and, ultimately, legitimation, is crucial to the KNPP. In forging relationships with outsiders, be they NGOs, governmental representatives, or interested individuals, the KNPP attempts simultaneously to secure international assistance for humanitarian, educational and political purposes, and to raise international awareness of the Karenni situation and political aspirations. In pursuing the second objective, the KNPP manages to raise with outsiders its own general profile, and in pursuing both, but especially the first objective, to strengthen its own authority and legitimacy amongst the insider refugee population"* (Dudley 2003: 26). Having a strong presence in the camps is

[61] Interview with Saw Tahma Weh, KRC vice-chairman, KRC office, Mae Sot, December 14, 2006.
[62] Interview with Buddhist Burman refugee, Mae La camp, December 22, 2006.

also a practical choice, as it safeguards resting soldiers, and ensures that soldiers do not have to worry about their families, as these are taken care of. Refugee camps are thus humanitarian sanctuaries, but there is no large-scale 'refugee warrior' phenomenon and manipulation of humanitarian aid as was the case for example in the refugee situation on the Thai- Lao and Thai-Cambodian borders in the past. Even if the combatants move in and out of the camps, recruitment has undoubtedly occasionally taken place, and some of the aid items make their way to insurgents' bases, "*there was neither the scale nor the opportunity for major corruption in the distributions of relief in the Burmese camps, and the refugee camps in themselves were not critical bases to the war*" (Lang 2002: 92).

In sum, registered camp refugees are relatively well-off in terms of protection and access to services, but are limited in terms of freedom of choice and livelihoods rights. They encounter a vast network of power relations upon entry in the camp as well as increasing nationalism as encampment becomes more protracted.

3.5.2 Self-settlement

The context in which self-settled refugees find themselves is substantially different than the one of camp refugees. Self-settled refugees live all over the country, but the largest concentrations can be found in the provinces close to the border with Burma, both in cities and in rural areas. In the rural areas of Tak province, the Burmese live in between the Thai/hill tribe populations. They tend to integrate quite well if their hosts are ethnically related, as will be demonstrated in Chapter 5. In contrast, refugees in cities such as Mae Sot tend to live centred in certain areas, with only occasional intermixing at work or when accessing services.

Another contrast with the camp refugees, is that there are hardly any (international) NGOs targeting aid for self-settled refugees. Therefore, the power structures that self-settled refugees encounter are vastly different than the ones in camp: there is no effect of any kind of camp management with power over rations,

no controlling power of rebels or security guards, etc.: "*Camps are like a kingdom with its own government. Migrants on the other hand are more independent and can form their own networks. They debate in their community on issues such as whether or not to integrate, they have the choice. The power structures outside camp are healthier*"[63]. In general, there tends to be less nationalism, which can be attributed both to the non-concentration and to the fact that schooling is very different outside the camps: either in Thai schools or in mixed ethnic schools which are taught in Burmese. The power holders in their context would rather be newly elected village headmen, Thai local leaders and local law enforcement personnel, as well as their employers in case of wage labour. For Muslims, imams play a large role as well. Compared to inside the camp, there are less channels for self-settled refugees to participate in decision-making, due to their illegality and the absence of structures to involve them.

Within Tak province, an important exception to this picture would be Mae Sot, where the KNU and DKBA have quite a presence, and where plenty of CBOs have been formed. In areas in the close surroundings of Mae Sot, the KYO (youth wing of KNU) for example organises elections for community leaders, and people feel obliged to pay 'voluntary donations'/taxes. On the positive side, refugees can appeal to these community leaders or the KYO/KNU in case of severe problems, who can then ensure some kind of law and order by negotiating and/or punishing the perpetrators. Here, the ethnic power structures are thus still felt. Also for 'civil' activists (who usually have close contacts with political groups), ethnic power structures remain important.

Power structures from inside Burma may also endure in another way, namely if communities left together and still live together in Thailand, with the former leaders still performing their function. However, very few of these examples exist. During this research, only one was encountered in a factory in Mae Sot: "*TK factory here in Mae Sot has 5,000 employees. One of the worker's mothers became a broker, and convinced her whole village to come here. They are easy to control,*

[63] Interview with staff member of MAP Foundation, Chiang Mai, July 10, 2006.

since the community controls itself. They have to work from 8 a.m. to 11 p.m. and if there are big orders sometimes until 3 a.m. And this 6 days on 7. Normally people don't do this, but then the broker says: 'Remember how you didn't have a good place to stay in Burma, no work, etc. So you should do well here'. So there is a lot of pressure from the community to obey. We received complaints from pretty much any factory in town, but not from any employee there, strange no?" (Interview with Moe Swe, Director of Yaung Chi Oo Workers Association, Mae Sot, October 7, 2007).

Most of the self-settled refugees are entirely dependent upon their own skills and networks to survive. Their access to services is limited, due to a lack of targeted NGO assistance and UNHCR protection, and a discontinuous access to Thai services. The livelihood strategies that they develop to cope with this situation are obviously very different in rural areas than in urban areas, and will be discussed in detail in the following chapter. Despite their inventive strategies, the lives of self-settled refugees can be very hard. Indeed, the consequences of a 'choice' for self-settlement are extensive. There is the constant threat of arrest and deportation, as well as harassment by both Thai civilians and police. Deportation is seen as a way to deter people from coming to Thailand, but the reality is that repatriation is neither a safe nor a viable option for most Burmese in Thailand, and many will return to Thailand as soon as possible. Deportations occur regardless of UNHCR registration as everyone outside camp is considered an illegal migrant. Even if the great majority of these deportations are informal, they do harm the people involved:

> "*The person is at risk of being detected by the Burmese authorities and also is at risk of abuses such as trafficking if they attempt to re-cross the border back into Thailand. (…) UNHCR reported that occasionally its office hears of reports of the Burmese military committing atrocities against returnees"* (WCRWC 2006a: 14).
>
> "*The returns to Myanmar are usually 'informal' in the sense that the deportees are taken to unofficial border crossings and permitted*

> *simply to walk across the border in areas controlled by friendly ethnic factions. In fact, many of the migrants who are returned this way make their way back into Thailand within a few days. Because of these facts, UNHCR considers that the deportations do not constitute de facto refoulement, although they could be de jure refoulement*" (Huguet and Punpuing 2005: 14).

It is an odd argument though, not to see this as de facto deportation and refoulement, only because officials on both sides are corrupt enough to allow refugees with sufficient money to re-cross into Thailand. Often the person returns to Thailand burdened with greater debt, from having to bribe officials on both sides on the border, they might lose their job for not showing up at work in time, and it bolsters corruption at the local level.

As a result of this continuous fear of arrest[64], self-settled refugees cannot get any redress for injustice done to them. At one occasion, a refugee was shot in the stomach by a bored Thai youngster in front of the guesthouse where I was staying. He survived the attack but going to the police was not an option for this unregistered man and he lost his job due to the long recovery process. Atrocities like these are not exceptional (Hamilton 2003), and impossible to fight against by the victims because they are illegal: "*Those who do not fit the criteria are just irregular migrants who, because they lack a legal status, have no rights at all*" (Essed and Wesenbeek 2004: 54).

[64] This fear is very real. To give an idea, in 2000 alone, 444,636 illegal foreign workers were arrested in Thailand, according to statistics of the NSC (Toyota 2006: 2).

Table 3: Comparison of refugees inside and outside of camps

	CAMP REFUGEES	SELF-SETTLED REFUGEES
Legal Status	'Temporarily displaced person'/'Person of Concern'.	Illegal (undocumented) migrant.
Location	Concentration in 9 camps, spread along the border.	Concentration in several urban centres, but widely spread in rural areas.
Protection	Protection and recognition by UNHCR.	No protection or recognition (with the exception of a small urban caseload).
Assistance	Receive assistance in the form of food rations and services, provided by NGOs and funded by UNHCR and donors.	Receive hardly any NGO assistance. Some support in areas surrounding Mae Sot and Chiang Mai.
Security	Relative security inside camp but warehoused.	Constant insecurity but more autonomy.
Freedom of movement	No freedom of movement, although in practice this is condoned as long as local military and police can benefit from it. Once outside, subject to arrest	No freedom of movement (although a bit better if registered as migrant worker or hill tribe person) although in practice this is condoned as long as

	and deportation.	local military and police can benefit from it. Subject to arrest (at checkpoints and targeted raids at factories and areas where they tend to live) and deportation.
Economic activity	No official access to remunerated employment, except for NGO and camp management jobs.	Access to (illegal) employment, albeit dependent on location, skills and contacts.
Justice system	Combination of traditional and Thai justice system (for serious crimes). Legal Aid Centres.	In and around Mae Sot large influence of ethnic Karen network. No such influence further away. Only access to Thai justice system if registered.
Durable solutions	Access to resettlement programmes.	No official access to durable solutions.
Social remittances	Most do not have contact with family members (if contact, by oral message or phone).	More contact with family members (sporadic travel, phone, oral message).
Financial remittances	Usually only influential refugees send and receive	Sending of remittances depends on age,

	remittances, but the situation is changing due to resettlement programmes.	condition of parents, other senders to parents and whether or not respondent has a family of his own to support. Very few receive remittances.

While in these sections I have described the 'Ideal Type' of households living in one settlement option, in practice families can split up permanently or occasionally (e.g. seasonally). *Family-splitting* is the most efficient risk diversification strategy for displaced people (Lubkemann 2000a): "*Refugee households and communities are often only able to survive by strategically placing members inside and outside camps, with the most vulnerable ones inside in order to minimise risks and profit from food and non food rations*" (Horst 2006a: 7)[65]. Thus even if the idea of this study was to compare refugees in and outside camp, and have these function as control groups for each other, this only worked to a certain extent because of the continuous inter-mixing of these two populations. These two categories may exist on paper, but the reality is very much blurred.

The next chapter will analyse in detail the livelihood strategies of refugees in both settlement options, and it will be made clear how the structural context influences their options.

[65] The term 'family- splitting' has also been used in other cases to denote refugee families who split up within the camp to maximise rations (Crisp 2003: 21), but that is not what is meant by it in this book.

CHAPTER 4: DISPLACED LIVELIHOODS: A STORY OF VULNERABILITY, ADAPTATION & AGENCY

> *"A livelihood comprises the capabilities, assets (stores, resources, claims and access) and activities required for a means of living. A livelihood is sustainable when it can cope with and recover from stress and shocks, maintain or enhance its capabilities and assets, and provide sustainable livelihood opportunities for the next generation"* (Chambers and Conway 1991: 6).

This definition by Chambers and Conway is the classic definition of **sustainable livelihoods**. The resources or assets mentioned include not only financial resources, but also natural, physical, human and social capital (DFID 2000; Jaspars and Shoham 2002; Jacobsen 2005):

- Natural capital: land, water, forests, fish, etc.
- Physical capital: equipment, safe housing, infrastructure, communication opportunities, energy, etc.
- Financial capital (stocks and flows): money, savings, credit
- Human capital: education and skills, life experience, health
- Social capital: community trust and knowledge, networks, political assets, etc.

These assets are mobilised by particular livelihood strategies[66], which help to realise the potential of the assets: "*While assets focus on the potential to achieve*

[66] These strategies can be categorised in various ways. Ellis (2000: 30) for example divides them into natural resource- and non-natural resource based activities, whereas de Haan and Zoomers (2005: 39-

sustainable livelihoods, activities focus on the realisation of that potential in the shape of a viable portfolio of income-generating activities. If that potential cannot be realised, then assets remain unemployed or underemployed" (Ellis 2000: 50). However, not all strategies are available to everyone. There are clearly different levels of agency in the choice of strategies and tactics in the process of negotiating for resources and power (Polzer 2008: 12). The desired outcome of strategies can be more income or better food security, but also increased well-being (e.g. self-esteem) and reduced vulnerability[67] (Dfid 2000: section 2).

While livelihoods studies often focus on the agency of a particular group of people, these people do not build their lives in a vacuum but they are influenced by structural features. Access to resources and the feasibility of livelihood options is modified by demographic variables (gender, caste, class, age, ethnicity and religion), institutions (formal and informal rules, traditions, codes of behaviour[68]) and organisations (state agencies, local administration, NGOs, associations), in the context of trends (seasonality, economic trends, population and migration trends) and shocks (personal misfortune, environmental or man-made shocks) (Ellis 2000: 30). All these factors together are sometimes called '*PIPs*': Policies, Institutions and Processes. In sum: yes, people do make their own livelihoods and have their own preferences, but not under the conditions of their own choosing- what Giddens calls 'bounded agency' (cited in Meyer 2006: 32). Agency should thus be understood as ever-present, and limitations on refugees' ability to achieve their livelihood goals should not be interpreted as a lack of agency (Meyer 2006: 29). The

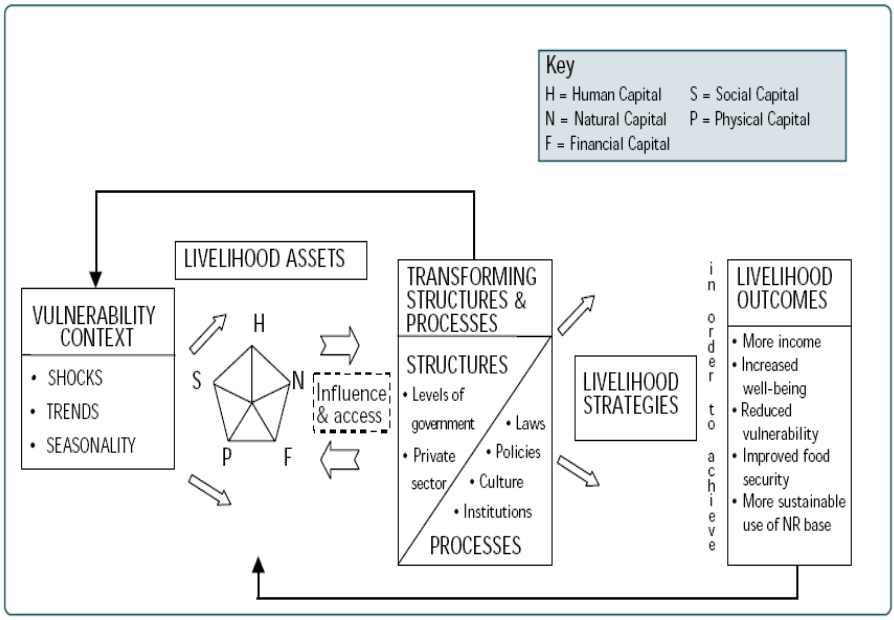
40) make a distinction depending on what the effect of a strategy is on the resource base of the household (compensating, stabilising, expanding, diversifying).

[67] Vulnerability is "*the exposure to contingencies and stress, and difficulties coping with them*" (Chambers, quoted in: Schütte 2004: 4). It has thus both an 'internal dimension', which can be contrasted to resilience (being able to cope with shocks), but it also has an external side, namely being affected by risks, shocks and stress.

[68] Informal institutional arrangements indeed shape human interactions and certainly in collective societies these customs and traditions are very important: *"(In collective-oriented societies, ed.) where individual interests are to a considerable degree subordinate to collective communal interests, pursuing self-interest without regarding one's neighbours', relatives', friends' and villagers' interests has considerable social and economic consequences. (…) In such communities where life depends on a wide series of personal relationships in the social, political and economic spheres, the costs of a breach of what is considered honourable and appropriate behaviour are too high"* (Kibreab 2004: 18-19).

'Sustainable Livelihoods Framework' developed by Dfid (2000: section 2) combines these elements and is the framework most often cited in livelihoods studies.

Figure 1: Sustainable livelihoods framework



DFID 2000: Section 2

While there are many studies that are based on (variants of) this framework, some elements consistently tend to be underdeveloped, such as the dynamic nature of the structural context. For example, informal institutions are not static: they can be reshaped. This happens for instance when refugee women start working in wage employment to increase the family's options, even if this was not a habit in the country of origin. There are constantly processes of transformation and negotiation, which are often insufficiently elucidated in livelihoods studies due to the focus on the household level. Another common shortcoming is that the mobile and transnational dimension of livelihoods is ignored, because of the focus on a particular locality (Horst 2006a: 9). Thirdly, power relations in this institutional

context are not often made apparent in field studies, even if power relations not only have a large influence on the obtainment of certain assets, but also determine whether the potential of assets can be realised. Not just the assets are thus important, but also the relative (economic and political) power of an individual, household or community (Collinson 2003: 13; Vlassenroot et al. 2007: 5). Therefore, livelihoods research requires an appraisal of the enabling or constricting environment. In that case, the livelihoods study will find a good balance by bridging two empowerment paradigms, avoiding a sole focus on either people's agency outside of structures (the 'advocacy perspective'), or on poor people as powerless entities to be empowered through policy processes ('the institutional paradigm') (Meyer 2006: 30). Lastly, another element to add to the framework is preference. People are assumed to be a 'homo economicus', but in practice not all decisions are rational and based on information. Individual preferences and group habits/styles (de Haan and Zoomers 2005) as well as emotions play an important role too.

While these are elements to add to an analysis of sustainable livelihoods, livelihoods in conflict zones are all but sustainable and require a different kind of study approach. After all, 'classic' livelihoods studies compare the relative importance of the different food and income sources in a normal year and after a particular shock for each livelihood group, but this normative analysis becomes problematic in 'situations of chronic conflict and political instability' (SCCPI) since one cannot determine a 'normal' year. In those conflict zones, people are constantly exposed to threats of violence and displacement. Moreover, assets in peace time (e.g. identity, power, political relations or goods such as diamonds) can become life-threatening liabilities in war time (Lautze and Raven-Roberts (2006: 395-396)[69]. The sustainable livelihoods approach thus needs to be adapted to emphasize the constant vulnerability of these people: a '**livelihoods-in-conflict**'-approach (Jacobsen 2002: 99). The body of research on livelihoods in zones of

[69] In this case for example, good relations with the DKBA or the tatmadaw may help people to survive in a certain area, but can become liabilities when the KNU takes over this area, or when these people try to enter refugee camps (as explained in Section 3.4).

chronic conflict and political instability includes frameworks to understand the context, policy analysis to inform humanitarian organisations, the role of humanitarian assistance in influencing the conflict (positively or negatively) as well as anthropological accounts of conflict- affected diasporas and their networks (Jacobsen 2005: 9-10). This study can be located in the last section.

However, I would argue that '**displaced livelihoods**' are a particular kind of 'livelihoods-in-conflict', as livelihoods are affected by the insecurity and limitations placed on spatial mobility, first due to conflict but certainly also once abroad due to the restrictive measures imposed by the host government and host community. The concept of 'displaced livelihoods' can thus also be used in case of immobilization due to the securitisation and curtailment of spatial movement, for example if refugees are confined to a camp (Stepputat 2002: 219-220). While refugees are usually outside the zone of armed conflict, they encounter new vulnerabilities due to their flight (e.g. trauma) and the life in exile.

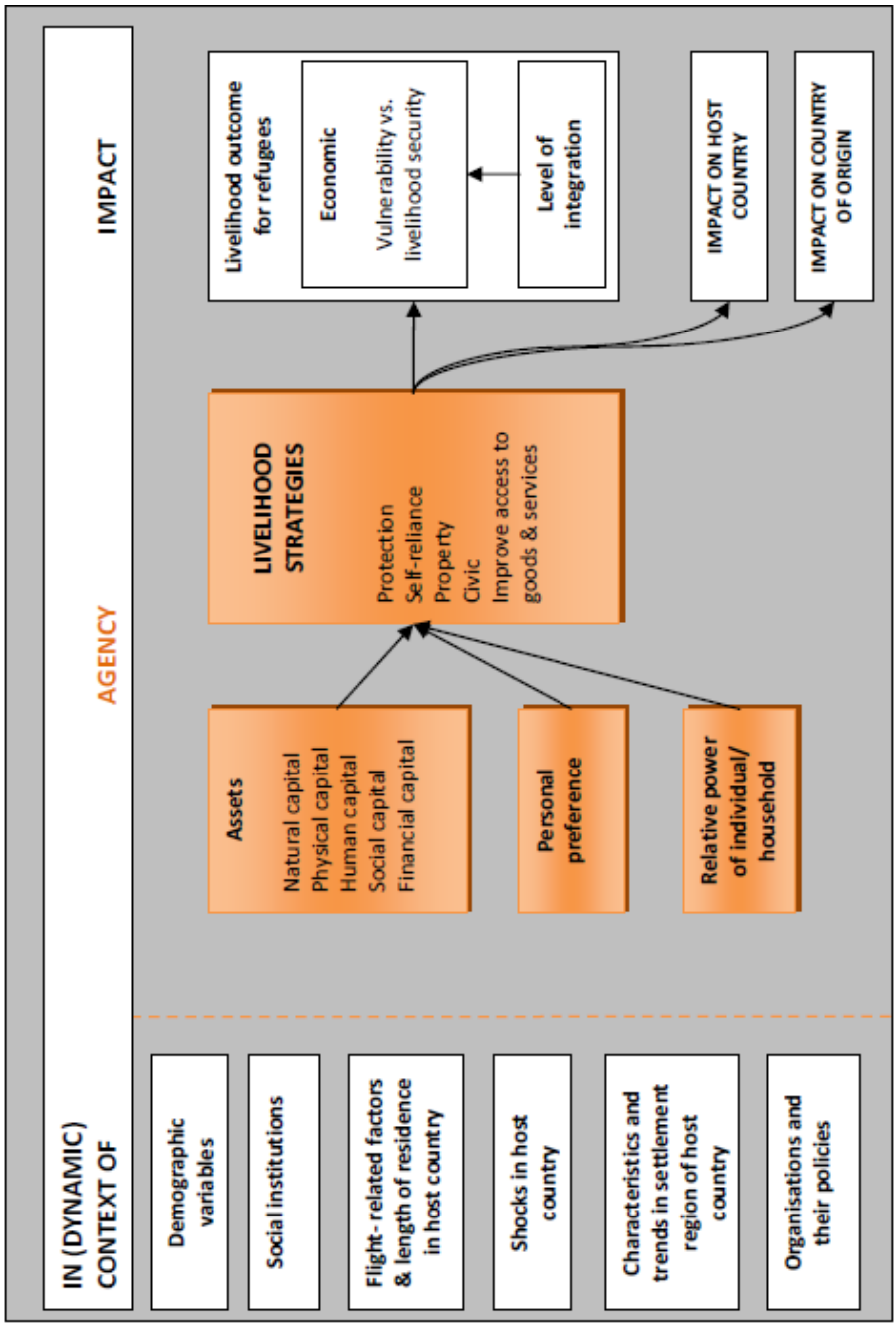
> *"We were always running and hiding from the Burmese soldiers, so in 2000 we decided to come to Thailand. We registered in camp, but we didn't have any money, so my husband and I both left camp in search for work. It was a very hard life though as we were illegal outside camp. We were always afraid of the police and we didn't earn enough money to pay our rent and the new baby. So we came back to Mae La camp after eight months. But apparently we missed the UNHCR re-registration in the meantime, and now we are treated as new arrivals. We can't get a house and have to live with my sister. My husband crossed the border to cut some wood for the house, but three weeks ago he walked on a landmine there and he lost one leg. Now he can't work anymore. Maybe he will get a new leg, but he doesn't dare to leave camp anymore. I now try to sell some fried bananas to buy milk for the children".*
>
> (Interview with Karen refugee, Mae La camp, December 27, 2006)

While the traditional sustainable livelihoods approach and the livelihoods-in-conflict- approach obviously had a large influence on this research, neither are sufficient to elucidate the particular conditions of refugees who were forced to flee their home country and now live in a host region that may not be able or willing to cope with their presence. Several additional elements need to be looked into and were all added to the 'livelihoods and integration framework for refugees' designed for this research (figure 2). Firstly, the policies of the host government and humanitarian agencies are particularly influential for refugee livelihoods, as these institutions have a certain vision on who 'the refugees' are, and as such determine who qualifies for particular rights and entitlements. Secondly, the factor time is very important since refugees need to learn about the formal and informal rules in the RHA and adapt to them (or find ways to circumvent them). Indeed, while there are bound to be some elements of continuity in people's livelihoods, many other factors will have changed due to the flight, such as the composition of the community and/or household, loss of various assets as well as potential additional psychological trauma. Also power relations, informal arrangements and institutions may transform due to conflict[70], displacement and livelihood strategies, and so can of course policies or trends, thus the context is very *dynamic*. The shock of exile is thus likely to be extraordinarily great, and it will take time to cope with all these changes. As time passes and refugees become familiar with their environment, they become integrated to a certain extent and adapt their strategies, which is why I will argue that the level of adaptation/integration of a refugee in the RHA is a vital intermediary livelihood outcome. Moreover, what is looked at in this study in terms of outcome, is not first and foremost the desired outcome (as in sustainable livelihoods studies), but the actual outcome, which certainly in zones of chronic conflict and displacement can be quite a difference (Lautze and Raven-Roberts 2006: 397).

[70] For example, Harvey argues that primary groupings that are more traditional and informal, like kinship networks, traditional political institutions and ethnic groups, are often reinforced by conflict (in Schafer 2002: 28). Clark (2006: 5) on the other hand has found that among Congolese refugees in Uganda, the importance of kinship networks had diminished, whereas the number of households with only young people rose. Social capital is thus not necessarily destroyed by conflict or displacement, but may be transformed.

Apart from those factors, relevant aspects for other stakeholders have to be assessed as well. After all, in pursuing certain livelihood strategies, people will inevitably compete with others for resources, which can make this a discordant process. In the case of displaced livelihoods, an analysis of the impact of refugees on the RHA and the level of competition with the locals is an essential component since the (sudden) influx can also be a shock for the local population. Furthermore, refugees can be transnational actors who still have an influence on their country of origin, which is another aspect of influence to insert in the scheme. If these diverse elements are added to the framework, it is bound to lead to a more holistic portrayal of influences on and of refugees' assets, livelihoods strategies and outcomes.

Figure 2: Livelihoods and integration scheme



(adapted from Kuhlman 1991; Dfid 2000; Vincent and Sorensen 2001)[71].

Parts of this refugee livelihoods framework will occur across several chapters of this paper. While the root causes and the policies of organisations and the host country have already been discussed in the previous chapter, the next chapters will look into integration and transnationalism, as well as the impact on the country of origin and the host population and country. This chapter will focus on the middle part of the scheme, the livelihoods assets and strategies. The reason for discussing this framework across several chapters is that livelihoods research is very broad and requires an assessment of many different factors, which can be divided into interrelated themes. For example, strategies aimed at obtaining legal papers are very much livelihood strategies, but at the same time they constitute legal integration. Vice-versa, to understand the process of integration, there is a need to assess how refugees actually gain access to resources locally by negotiating with a variety of actors (Polzer 2008: 9). While this chapter will mainly focus on the refugees themselves, the next chapter will add the dimension of their interaction with other actors both inside and outside Thailand, by thoroughly discussing both integration and transnationalism. Despite this distribution over the different chapters, the various parts of the framework are evidently connected, which will become clear through-out the text.

The remainder of this chapter will discuss the livelihood strategies developed by refugees, which is the core of the livelihoods analysis. The deliberate focus is on agency, on which livelihood strategies work on the Thai-Burma border, without losing sight of the structural context (first column of Figure 2). In conformity with the research frame, as much information as possible was collected on livelihood

[71] Aspects from diverse models were combined in this framework. While Dfid' s framework (Dfid 2000) provided the 'classic' view on sustainable livelihoods, Vincent's categorisation of livelihood strategies of IDPs was a useful addition (Vincent and Sorensen 2001: 11-12). The main reason for choosing his classification is that it is also valuable to describe non-economic strategies, unlike many other categorisations (e.g. Ellis 2000; de Haan and Zoomers 2005), while at the same time it puts the focus on 'what works' instead of on the problems and needs of the refugees. In addition, Kuhlman's ideas (1991) were used to complete the picture concerning aspects that are particular to refugees, such as adaptation to the host country, characteristics of the RHA and the impact of livelihood strategies and integration on the host community.

strategies in different seasons to capture the wide variety of employed tactics. This information was then categorised into different themes:

- protection strategies: strategies that protect the right to life, personal security and liberty, and freedom of movement.
- subsistence strategies: strategies to improve economic self-reliance.
- property strategies.
- strategies to improve access to goods and services.
- civic strategies: strategies to improve public participation and access to documentation.

Of course, some strategies may have different goals, thus there is some overlap. For example, applying for UNHCR recognition is both a protection strategy, a strategy to improve access to goods and services, and a civic strategy.

This analysis will demonstrate what the importance is of the settlement choice for refugees' assets, livelihood strategies and actual outcomes, as well as for the desired outcomes in terms of durable solutions. The strategies found lead to a questioning of the aid dependency syndrome of camp refugees, and point to the importance of integration as an intermediate outcome in the livelihoods of refugees. It will also be argued that livelihoods research needs to go beyond a discussion of economic agency, which is commonly the only element looked at in field studies. Even if subsistence strategies are an essential element of livelihoods, the four other kinds of strategies are very important as well, without which important insights are lost. Furthermore, a basic analysis of elements of continuity and change between before and after flight will be developed, but more life histories will have to be collected to provide a fuller picture of the level of adaptation. More longitudinal research in a particular location would also be useful to track particular changes in livelihoods over time within Thailand, which requires recurring interviews with the same households.

4.1 Protection strategies

While refugees are usually outside the zones of armed conflict and coercive power of their state of origin, living in exile engenders new vulnerabilities and protection necessities. As Burmese refugees are an illegal population in Thailand, they are extremely vulnerable to labour exploitation, arrest and deportation. Therefore refugees have developed strategies to improve their protection within Thailand. They share information on upcoming raids (most frequent in cool season, November-February) as well as on registration policies in camp and for migrant work. Another, more invasive, protection strategy is to decide on either 'blending in' or living in predominantly Burmese neighbourhoods. While contradictory, both ideas make sense. Trying to blend in and denying to be a Burmese refugee can work in urban contexts, since cities usually allow living a more anonymous life (Jacobsen 2006: 276). Certainly when the refugee is able to speak Thai, he/she may wish to deceive the new neighbours by claiming to be Thai, thereby avoiding problems of racism and detection by police (similar to conduct found in other refugee situations, see e.g. Malkki 1995b). However, in smaller towns and villages close to the border, where I did research, this strategy does not work. People know very well who is originally Thai and who is not, up to decades after arrival. Therefore, refugees may choose to avoid confrontation with Thai people altogether by settling into a Burmese dominated neighbourhood. In Mae Sot, for example, Burmese and Thai people tend to live in separate neighbourhoods. They do meet at work (usually in different positions), but apart from that, Burmese people stay in their own area and have their own meeting places, usually a nearby monastery or teashop. The danger of this 'chosen isolation' is of course that the police knows exactly where to go when raids are planned.

Other protection strategies are related to travelling, as moving always increases the risk of arrest at one of the numerous checkpoints. Some refugees just try their luck and hope to be left alone. Others use smugglers to travel. If a refugee is arrested after all, then several possibilities are open. Usually it is possible to negotiate and

bribe the police or soldiers, either with the money refugees have on them, or with the help of a family member. At a later stage, when the person is already in the police station, bribes have to be higher or more influential persons in the community have to be called to intervene- such as members of the KYO, KNU or KRC. Surprisingly, none of the camp refugees mentioned they would call UNHCR in case of arrest outside camp. On the contrary, as confirmed by other research (HRW 2004: 12), arrested Burmese usually deny being a refugee, because deportation procedures tend to be much longer for registered refugees, leading to an extended stay in the hazardous conditions of the detention centres. Instead, refugees realistically speculate that fast deportation is preferable, as officers on both sides of the border are easy to bribe, leading to a quicker return to Thailand. Thus, while applying to UNHCR does improve protection, the refugees feel that this is only for protection in camp- even if a local UNHCR officer said that they do try to prevent deportation of arrested camp refugees, if they know about the arrest[72]. Of course, the safest strategy would be to get access to the camp and not to leave the camp any more after that, which some refugees find very comforting: "*We are refugees but there is not so much to worry about. I have never lived as peaceful as in the camp*"[73]. Certainly for refugees who do not have a network to fall back upon, this would be the safest option[74]. However, whether or not they can live in camp, depends on various factors such as the causes of their flight, their connections and the convening dates of the PABs and these more, as was explained in the previous chapter.

A supplementary protection strategy would be to bargain collectively to improve human rights*: "The fact that the refugees have organised themselves and are able to claim their rights as a community makes it more difficult for the authorities to*

[72] Interview with Elizabeth Kirton, Head of UNHCR Field Office Mae Sot, January 3, 2007.
[73] Interview with elderly Karen refugee in Mae La camp, December 22, 2006.
[74] Living in camp is also for political refugees the safest strategy, but as was mentioned in the introduction of this chapter, not all strategies are based on ratio. For example, a political refugee who managed to make her way to Nu Poh camp, was located by her Burma-based parents after more than five years without contact. Therefore, she was now considering to ask them to come to Mae Sot so they could meet there. Even if that was dangerous for her, emotions were more important at this stage, since it might be the last time she can see them before leaving for resettlement (Email conversation, political activist, Nu Poh camp, July 15, 2009). These kinds of emotions and preferences play a role for all refugees, but are of course very individual, which is why not many examples are given in the text.

disregard them" (Grabska 2006: 300). There is some collective bargaining in Thailand through the formation of diaspora CBOs to improve workers' rights. The two most important organisations in this regard are 'Migrant Assistance Programme Foundation' (MAP) based in Chiang Mai but with field offices all along the border, and 'Yaung Chi Oo Workers Association' (YCOWA), based in Mae Sot. As Burmese workers are not allowed to form trade unions, they are entirely dependent on the capacity of these organisations, and their liaisons with Thai groups such as the Law Society of Thailand, to improve the exploitative conditions in the factories. However, it is debatable whether this can really be called '*collective*' bargaining, because they only advocate for a particular section of the Burmese refugees in Thailand, namely the ones working in wage labour in urban areas. Indeed, the advocacy strategy is clearly determined by choice of settlement, with migrant organisations pursuing more freedom and fair treatment of migrant workers in urban centres, camp refugee leaders and international agencies pursuing more refugee rights e.g. in terms of access to work, and rural ethnically related refugees pursuing the 'common ethnicity' strategy on an individual basis. While this split in advocacy strategies according to settlement choice may seem odd, it is comprehensible given that the Thai government sees these three populations as entirely different, regardless of the fact that people who fled because of the war in Burma live in all three options. This can be contrasted with other cases such as South Africa, where refugees collectively advocate at the same time for 'refugee rights' at the national level and for local rights on the basis of common ancestry and traditions (Polzer 2008: 14).

In the longer term, resettlement is the best protection strategy, as it provides direct protection from both the SPDC and the Thai police, while at the same time it is a long term livelihood strategy: parents hope to improve their children's education and as such their access to skilled work, as well as obtain citizenship. It is currently the only durable solution available for Burmese camp refugees. However, the access to resettlement programmes has tended to split up camp families between the elderly, who often want to stay in camp, and younger adults who

want to leave. These tensions within families are very hard for the individuals concerned, as traditions, family and community are vitally important in this collective culture. As a result of the disagreements, the number of suicides in camp is rising (CCSDPT December 17, 2008, internal document).

4.2 Subsistence strategies

Overall, one large economic transformation has occurred for the refugees, who are overwhelmingly from rural areas in Burma (Bradford and Vicary 2005: 7; Oh et al. 2006; UNHCR in Duffy 2007: 38): they are not allowed to own land or other large possessions in Thailand. Access to land is blocked because Thailand has enforced a ban on logging since 1989 to protect the environment (Toyota 2007). This affects both refugees and local poor Thais, as both groups are now unable to cut hill fields from local forest areas, where non- irrigated rice used to be grown (Eberhardt 2007: 6). If one does not own land and is not allowed or does not have the money to buy land, then the only options left are wage labour or self-employment (which requires more capacity). Refugees, both men and women of any class, have thus shifted from subsistence farming (owner-cultivators) to wage labour at an enormous rate due to displacement in Thailand. The food production economy has to a large extent been replaced by a monetary economy, with every refugee trying to get access to financial capital. Due to the general switch to wage labour, more women currently earn money, which is quite a change from the usual social practice in Burma, where they carried out unremunerated labour, such as 'reproductive labour', household tasks, animal husbandry and searching firewood (Brezovich 2005: 21). Still, even in exile, household and upbringing tasks continue to be carried out by women, preserving the tradition.

But apart from these general trends, subsistence strategies are thoroughly different depending on the settlement option: refugee camp, self-settled in a rural area or self-settled in an urban area.

Camp refugees[75]

Camp refugees receive rations that contain staple goods such as rice, flour and oil, as well as some fish paste, chillies and non-food items (cooking stoves, clothes, mosquito nets, etc.). While these rations are up to international nutritional standards, they do not contain fresh fruit, vegetables and meat, or non-food items that the refugees might need. Therefore, refugees need to supplement their rations, which 83% of this study's respondents did. For a limited number of people, there are opportunities to work in wage employment in camp for one of the international NGOs, certainly if they have acquired post-secondary education and have the necessary connections (human capital and/or social capital which results into financial capital). Wages for employees of NGOs vary depending on the profession and the working experience of the person involved. Teachers for example earn, on average, THB 500 a month, teacher trainers THB 1200, social workers from THB 0 to THB 700 and medical personnel in hospitals from THB 1620 to THB 3000. People working for camp management, such as a section leader or a security guard, make between THB 400 and THB 800, while people in CBOs, such as the Karen Women's Organisation (KWO), are often unpaid. As these paid jobs are not numerous, the access to them is often restricted to people with (family and political) connections. As a result, I encountered a frustrated Burman doctor in Nu Poh camp who was willing to work in the camp hospital, but was constantly palmed off. Being Burman, there was some suspicion among the Karen staff that he would be a spy, and there was also a problem because he couldn't speak Karen in contrast to many of the patients. In response, he started doing consultations in his own hut. Moreover, the whole 'PAB-section' of Nu Poh camp (former urban Slipholders, political activists) was filled with notices like 'Here you can learn English' and 'I give class in mathematics', indicating the high level of education and unemployment of these people.

[75] This section is loosely based on a policy paper I wrote for education NGO ZOA on camp refugee livelihoods and vocational training: Brees, I. (2008b) 'Towards sustainable livelihoods: Vocational training and access to work on the Thai-Burmese border'. ZOA Issue Paper No.1. Mae Sot, Thailand: ZOA Refugee Care Thailand.

Most people do not have the opportunity to work for NGOs, and have to find other ways of supplementing their income. Some hold a noodle restaurant or grocery shop (THB 50-120 profit a day), and I even encountered a cd- and dvd-shop with cinema attached (THB 200-400 a day). These people are the relatively well-off refugees as they have a regular income. Others simply sell some dried fish, fried bananas or samosas in front of their house (petty trade with minute profit margins). Some people combine several jobs:

> "*I buy t-shirts from the Thai people that come to the gates of the camp early in the morning. When we sell some t-shirts in our shop, we need to give most of the money back to those Thai people. We can only keep THB 30 to 50 a day for ourselves. Additionally, my family collects garbage, which we can sell for THB 1 or 2 per kilo to Thai women. And my wife is a tailor, so she makes about THB 10 to 15 per day by making shirts. I used to do daily work outside camp, but it was far away and you had to bring your own food. And they don't have work for you every day, so sometimes you were away for 8 days and only worked for 3 days. Then you hardly had any money to bring back. Thus I stopped doing that.*"[76]

The raw materials for all products are bought from Thai vendors, but the power figures who control this trade differ across camps. In Mae La, the Muslim community controls most of the market through their networks with Thai Muslims in Mae Sot, which causes a lot of envy by other refugees. These networks also support them in non-trade businesses if necessary: "*Muslims had illegally cut wood in the forest, to decorate the lower part of the wall of the mosque. The camp leader removed that new wood as refugees are not allowed to log. But as these Muslim refugees are well connected, there were large demonstrations by other Muslims in Mae Sot and even Bangkok, saying that the mosque in the camp had been 'destroyed'. The camp commander thus got a reprimand*"[77]. In Mae Ra Ma Luang camp on the other hand, Karen people control the networks, which for a remote

[76] Interview with Muslim refugee, Mae La camp, December 27, 2006.
[77] Interview with Loytee Taluang, ZOA Refugee Care, Mae Sot office, June 29, 2006.

camp like this one requires quite some organisation: *"There are three or four big rich shops in the camp, of which the owners have a car. So they assemble money from about ten shops to pay the Thai authorities to be able to drive in and out of the camp. Then they buy huge amounts of products in Mae Sariang, which are subsequently divided between those ten shops. There is however very little difference between the prices in town and in the camp, so refugees are not making much money out of it"*[78].

Market Nu Poh camp

Income can also be earned through weaving, as a form of domestic work paid by the income generation programme. KWO provides the thread and buys the finished materials (THB 220 for a blanket, THB 200 for a lungyi[79], THB 80 for a Shan bag, THB 63 for a Karen shirt), who are then sold in shops or to an NGO. As a result of this business, even men started weaving (as witnessed in Mae La camp), while this is

[78] Interview with NGO field staff, Mae Sariang, January 19, 2007.
[79] A lungyi is a garment worn around the waist in South Asia and Southeast Asia. It is commonly known as a sarong.

traditionally very much a female practice. Occasionally, refugees manage to find niches, such as selling hydropower electricity after the purchase of the necessary equipment with several investors' cash, or setting up a telecommunication centre to contact family in Thailand or the wider world. The latter has become more important since the establishment of resettlement programmes, as more refugees have family in third countries now whom they wish to contact for both information and remittances (transnational livelihood strategy)[80].

However, most refugees have to leave the camp to find some additional income. The male members of the family often leave the camp in search of work, leading to internal remittances from urban or rural Thai areas to camp (family-splitting technique). This is a typical pattern in refugee situations which is for instance also seen in Liberia and Sierra Leone (Levron, quoted in De Vriese 2006: 11) and presents a form of livelihoods diversification. While no camp respondents mentioned how they used migration as a survival strategy in response to non-conflict related shocks inside Burma, many do use the splitting technique once in Thailand and migrate to other areas in search of work, which demonstrates their adaptation capacity. Some families opted for long term family splitting, with both parents working outside the camp, leaving the children with the grandparents in return for continued financial support (strong influence of extended family). Others only occasionally went out for daily labour in the neighbourhood of the camp, leading to a more irregular income. Usually they leave the camp secretly, but some ask permission of their section leader, who then cuts rations for that family for the time the worker is gone. If they are discovered when sneaking out of camp and lack connections and/or negotiation skills, refugees need to pay power holders (section leaders, security guards, Thai soldiers) when leaving for daily work: "*Camp is not so different from Burma. You still need to pay money to powerful people, and you still need connections to get things done*"[81]**.** Outside camp, they face the same conditions as self-settled refugees.

[80] Interview with son of phone shop owner, Nu Poh camp, November 26, 2007.
[81] Interview with Karen refugee, Mae La camp, December 22, 2006.

A study by the IRC in Ban Kwai refugee camp revealed that over 40% of camp residents were engaged in wage employment outside camp (IRC 2005). Even if this percentage varies according to the local conditions of each camp, it nonetheless gives an idea of how widespread this practice is. It is not surprising then that no less than 25.4% of the camp respondents in my sample identified the lack of security and safe travel as the largest problem they faced in Thailand, which is the highest percentage of all (higher than food needs, health, education etc.). There are indeed risks associated with this practice of working outside camp, but if it leads to survival of family members in camp, the obtainment of a house, land or Thai identity card, or further outmigration of kin in Burma, the returns are equally high, which is why the refugees engage in it anyway. The most common (daily) job outside camp is wage employment in farming. Payment varies according to demand and supply: remote camps, such as Mae Ra Ma Luang, are located in areas where there is less demand, while large camps like Mae La have an over-supply of labourers (high level of competition), both leading to low wages, namely THB 50 a day in the environs of Mae Ra Ma Luang, and THB 60-80 around Mae La camp (Brees 2008b). Given the fact that refugees are treated as 'illegal migrants' once they are outside camp, they are highly vulnerable to exploitation and are in no position to demand the minimum wage. This minimum wage is decided per province and the lowest rate per day in Thailand is THB 145 (TDRI 2006).

The income from these jobs is supplemented by vegetables grown around the house if there is some space (e.g. chillies, beans or spices) or by animal-raising. Chickens and pigs are the most common animals found, and some wealthier households manage to raise cattle. For hygiene reasons, these bigger animals have to be kept at a small number though. But in Mae La camp even all the chickens were culled, after a false bird flu alert (environmental/man-made shock): "*This is discrimination! They killed all our chickens, all our savings, while outside the camp they were still allowed to raise chickens*"[82]. The culling of the chickens indeed meant a huge blow for the camp economy, but the chickens were quickly smuggled

[82] Interview with Karen refugee, Mae La camp, December 22, 2006.

back in (as witnessed in the local bus passing by Mae La camp). This kind of control over the camp is of course something that self-settled refugees are spared of- which is exactly why the Thai government is so afraid that 'migrants' will spread diseases. Another way to supplement their diet is to trade or sell a part of the rations, or to (illegally) forage outside camp, collecting roots, bamboo shoots, edible plants and mushrooms (natural capital). Also bamboo for the house and leaves for the roof are collected. Some refugees reportedly also hunt or fish outside camp, but few respondents mentioned these practices. In case of an acute need for money, refugees try to borrow money from family, friends or neighbours (41.5%), but if that is not possible, assets are depleted. For example, a wooden pillar of their house may be sold to get by, which is of course an unsustainable strategy (negative coping strategy- see infra).

A further possible strategy is to follow training to improve one's skills (human capital). Adults in camp indeed have access to vocational training (VT) programmes. The most popular courses by far are the computer, sewing, bakery, auto-mechanic and agriculture training (Brees 2008b). Other courses are the setting up of kitchen gardens, training in soap and candle making, animal raising, radio mechanic training, etc. The most important problem for the current VT programmes is the fact that there are no legal employment options in Thailand for camp refugees, nor is the training adapted to the requirements of the local labour market. Therefore the newly acquired skills are hardly ever put into practice once the training is completed, thus this strategy does not yet lead to access to skilled jobs. The VT programmes do, nevertheless, serve certain social goals such as providing people with educational goals, distraction and promoting community cohesion. Regardless of the traditional preservation of household tasks to women, even men thus follow cooking training to keep busy.

While camp refugees have thus developed numerous strategies to supplement their rations, for most people wage labour outside camp is the only way to ensure a more or less regular income flow, which entails potential arrest and deportation.

Many are thus afraid to leave the camp, certainly if they have been arrested before:

> "*I did daily work in the beginning but I was captured by Thai military, and they sent me to jail for seven days, then to Mae Sot for four days and then I was deported to Myawaddy. I stayed there for three days and then I secretly escaped at night. I never paid any bribe. I walked all the way back here, it took me eight days. Since then I do not dare to leave camp any more*"[83].

For people like the person quoted above, the obliged dependency on rations and the protracted encampment in general has led to a sense of loss of self-determination and boredom: "*All we do is drink, eat, sleep, wash, talk, sleep again, eat…"*[84]. Typical problems thus arise, such as depression and other mental problems (Cardozo et al. 2004), alcoholism and drug abuse (UNHCR and WHO 2006), gambling, crime, youth gangs (Mae La camp, Tham Hin, Umpiem Mai, Site 1)[85] and domestic violence. Typically in this and other refugee situations, it is first and foremost the men who are demonstrating this destructive behaviour, since they feel disempowered because they have lost their traditional bread winner and protector role of the family to humanitarian agencies ('UNHCR is a better husband' (Turner 1999)).

Self-settled rural refugees

Of the three categories of settlement, rural refugees demonstrate the least variety in subsistence strategies. The economic life of self-settled refugees in rural areas is built around wage labour, farming on rented or donated land and craft production. They are usually an (abundant) reservoir of cheap labour for the local agriculture, small-scale village businesses or area construction projects. Refugees who arrived a long time ago sometimes manage to obtain access to land, for which they either

[83] Interview with Karen man, Mae Ra Ma Luang camp, January 24, 2007.
[84] Interview with Burman refugee, Mae La camp, June 30, 2006.
[85] Email conversation with Miles Jury, Community Liaison Officer TBBC, December 28, 2007.

pay rent or a part of the yield. Social capital can thus be transformed in physical capital. If there is an abundance of land, they can get it for free- land that becomes re-forested can after all be lost for the local community for ever. The crops cultivated are mostly rice but also for example beans, corn, onions, garlic and flowers are grown. In very remote rural communities, the food production economy remains far more important than the monetary economy: "*People here don't really have an income. We just live of our land, plant and eat. They have food, thus they can stay*"[86].

Rural self-settled refugees also forage in the forest, just like camp refugees, to collect edible vegetables, pig food, firewood or roots that can be used to colour textile. Many also try to raise chickens and pigs for sale, and occasionally goats or dogs are raised (to eat or sell). If there is little work, such as during the agricultural off-season (Winter), refugees and poor locals gather leafs in the forest, which they bind together with bamboo strips and then sell as roof cover. Households may also engage in other kinds of craft production, such as broom making, basket weaving or weaving traditional Karen shirts. In general, there is very little livelihood diversification in these rural households, which makes them very vulnerable to shocks such as crop failure. Moreover, due to the seasonal nature of agricultural labour, there is substantial unemployment and under-employment.

[86] Interview with Christian pastor, Nusipo village, February 6, 2007.

Making roof cover- Mi Klo Khi

Self-settled urban refugees

"I work at the market eight months a year. The other four months, I assist new arrivals by helping them to track family down in Thailand, as they often only have a phone number to rely on. Or I help families around here with the construction of houses and receive some money for that. My wife was working in a sewing factory, but now our first child is born, so she stays at home to take care of him. Maybe one day I will go back to Burma. But I would prefer to start up a business here. I know many people, I also speak some Thai, and I have been here for 18 years now. But I am not sure if that dream will come true, since I am still illegal".

(Interview with Burman refugee, Mae Pa, November 23, 2006)

Self-settled urban refugees are engaged in the widest variety of jobs, which is a common finding in refugee livelihoods studies. Jobs are usually found through existing networks, in which more established refugees introduce new workers to their Thai employers. Many women are working as wage labourers in one of the factories in and around Mae Sot, usually garment factories. Other factories in Tak reportedly produce ceramics and electronics (Duffy 2007) but none of my respondents worked in those factories. The men usually work in construction, with the exception of the rainy season (June-September) when construction halts. A smaller fraction of wage labourers work in restaurants, in hotels or in domestic work (THB 1500-3000 per month), or unload trucks for the market at night. In a season with little work, people tend to fall back on daily work in agriculture in the surroundings of the city (which is less remunerated). In general, there is thus livelihood specialisation per season and per individual, but household level diversity. In some cases, people combine various jobs at the same time (individual diversification), which is usually a sign of poverty (Ellis 2000: 232). Again, there is a lot of competition for jobs in-between the Burmese (not with the Thais, as explained in Chapter 6), since the supply of labour usually exceeds the demand. As many of the urban jobs mentioned, such as the work in garment factories, domestic work or laundry services, tend to be reserved for women, it tends to be easier for them to find work, which has increased their responsibility and relative power in the household[87]. This is similar to findings in other urban refugee situations, for example in Cairo (Grabska 2006: 299).

In contrast to camp refugees, self-settled refugees tend to respond more creatively to demand and supply changes by (illegally) moving around in the country. Even within Tak province there are wage differences. In Mae Sot and surroundings for example, wages vary from around THB 60-80 a day for daily work in farming, to THB 80–105 in construction work and garment factories (including overtime). Closer to Umphang however, where there is less Burmese labour supply, workers

[87] Interview with Mar Khin Mar Gyi, Australian National University, Mae Sot, October 12, 2007.

make THB 100 with farming and THB 120–200 in other jobs. Regardless of this mobility, self-settled refugees are heavily underpaid. A study by Bradford and Vicary (2005: 20-25) found that 50 to 70% of the Burmese 'migrants' earned less than the monthly minimum disposable income for Thailand (THB 3500 per month), depending on the sector. The situation was worst for the agricultural sector and for the regions in Northern Thailand, where Tak province is located.

Apart from wage labour, there is a lot of self-employment as well. Some people leave as early as 3 am to pick flowers in the forest, which can then be sold in the market, next to stalls selling fruits, vegetables, cooked food, clothes etc. In general, these businesses are rather small as there is a vicious cycle in which business is necessary to generate cash, but cash is needed to get started in the first place. Certainly for self-settled refugees in urban areas, cash is a bare necessity: "*One specific feature of the urban coping economy is its almost complete immersion in the cash economy and the reliance on urban labour markets. Subsistence production is scarce, and housing, food, health care and transport require ready amounts of currency*" (Schütte 2004: 12). Quite a lot of refugees are thus involved in petty trade. A good example of this are the garbage collectors which are active in Mae Sot, collecting metal, iron, plastic and glass, which can then be sold to specialised shops at a per kilo-rate (THB 80-160 per day). In the months of November and December, many of the rubbish collectors were also collecting grass, to sell at Muslims who were fattening up their cows for the upcoming ceremonial celebration. Even if these people can thus potentially make more money than people working in agriculture, they are nonetheless seen as lower class by Thais and other Burmese alike. Other urban refugees offer services such as sewing or weaving, massage, assistance of new arrivals, etc. The best off are the refugees with English language skills, as they can act as interpreters for NGOs, CBOs, journalists or researchers (THB 200-500 per day). Working for NGOs is thus both inside and outside camp the only possibility for educated refugees to have skilled work. Therefore, the relationship between household educational attainment and food security does not seem to be present in this case, as a refugee

with the necessary skills also needs the social capital to get a proper job. It is thus not all that surprising that I encountered political activists from urban areas, with university degrees, who were trying to find daily work as a farmer.

Collecting and sorting out garbage on Mae Sot dump

Copyright: Min Wei Ting, 'Human Waste', http://www.mwting.com/

More negative coping strategies can also be observed in all three settlement options, such as pawning or selling jewellery or other physical capital (depleting movable and fixed assets, unsustainable survival strategy), or engaging more family members in income earning. In Mae Sot for example, the day market is overwhelmed by begging children. People also tend to work until older ages if their family does not have enough money to sustain them (unlike the custom in Burma): "*I am 59 years old. This week I have not been able to work, I'm not strong enough, I'm not well. My husband did find daily work today, since it is harvest time, but now he is so tired he cannot talk any more. He is too old to work. Most of my children are married and have to take care of their own family now. They too struggle to*

find work as daily workers. Sometimes I get a little bit of support from them, but other times I have to borrow money to be able to buy food"[88]. If this approach does not work, families tend to buy food of lesser quality, or simply limit their diet to eating only rice (stinting). At this stage, social capital becomes increasingly important, as refugees will try to borrow money or food from friends, neighbours or moneylenders (increased indebtedness), and if possible, asking family members abroad for remittances (transnational strategy, assessed in detail in the next chapter). When the situation continues to deteriorate, refugees may decide to adopt high risk- high return strategies, potentially in the longer term (adapting strategy). Indeed, clandestine, illegal and criminal practices can be found, such as commercial sex work, cross-border logging, brewing alcohol, stealing, smuggling drugs and human trafficking. These negative coping strategies are very common for refugees in hazardous conditions (see e.g. Dick 2002; Jaspars and Shoham 2002; Crisp 2003; Schütte 2004), and may actually be the same strategies that people already applied to crisis situations before their flight.

Refugees are thus very creative in developing coping and adapting strategies, but their lives are nonetheless very hard. Gonzalez De Rocha (2007) thus warns against overestimating the agency of the poor and states that regular employment is required as a motor of reproduction (e.g. to buy starting goods for petty trade and production). Without that regular income, the basis for other coping strategies is very weak, due to which social networks will come under pressure. While Gonzalez De Rocha is making this point for the impoverished in general, it certainly applies to refugees as well, as they are often restricted to irregular and illegal employment in the host country.

[88] Interview with Karen refugee, Mae Pa, November 21, 2006.

4.3 Property strategies

Many refugees mentioned how they used to own their own farmland in Burma, and how that land was seized by the SPDC or DKBA before or after their flight (asset-stripping (Longley and Maxwell 2003: 13)). Other refugees tried to decrease this risk of seizure while being in exile, by asking members of the extended family (cousins, uncles, etc.) to work on their abandoned land once in a while (transnational dimension). I even encountered some refugees with land close to the border who still crossed the border daily if the situation was calm and safe:

> "*I am a farmer. We grow rice and some corn. I still try to go back to my farm every day, but I come back here to sleep. Only in the rainy season, travel is too difficult, so then I build a small hut to stay and sleep there. It is a very tough life though. Depending on the size of your plot, you need to pay taxes to SPDC, KNU and DKBA. If it gets dangerous because they start fighting again, we quickly leave the plantation and come back here*"[89].

While Vincent (2001: 12) also includes "*mechanisms that provide for the restitution of property or the compensation for the loss of property*" in the section on property issues, these mechanisms unsurprisingly do not exist in military- ruled Burma, as the military and its allies are the main perpetrators of unlawful land and property seizures.

But, of course, refugees also need goods and property in the host country. Problematically, refugees are not allowed to buy large movable or non-movable goods in Thailand (Brees 2008c). This has led to the widespread practice of 'borrowing' a Thai name for anything from the purchase of a motorcycle to the set-up of a restaurant. However, this implies a high risk of expropriation. This was proven again recently by the eviction of 1000 Shan refugees from land they had purchased from Thai people who erroneously had presented themselves as the

[89] Interview with Karen refugee, Mi Klo Khi, February 7, 2007.

owners (Slip 2008). As a result, refugees are not inclined to invest in capital-intensive businesses, or to invest the large sums needed to prepare agricultural land. These legal restrictions thus not only limit the economic opportunities for Burmese relative to Thai citizens, but also have harmful effects on the accumulation of capital and on the local economy (Vicary 2006: 81).

While most Burmese refugees thus do not really *own* large property such as a house, I will nonetheless discuss their housing since this constitutes an important part of the depiction of refugees' living conditions. In camp, the material for the bamboo houses is provided by NGOs, but refugees build the houses themselves. For self-settled refugees, the housing quality depends on their connections and financial resources, the amount of time spent in Thailand and the location, more than on legal status (unlike what was expected). Upon arrival, refugees often share accommodation, or go to informal safe houses (in Mae Sot). Several respondents who arrived over a decade ago mentioned how Thai people helped them out when they just arrived by offering them temporary residence, but newer arrivals have not mentioned this at all. This is a typical pattern, as hospitality tends to decrease when a refugee situation becomes protracted. Other households prepare their flight by sending one member ahead, to make arrangements for the rest of the family to arrive, such as finding a house. People without such preparations or without connections have a very hard time in the beginning: "*If you don't have any connections, then you fall outside. Those people have the worst time here in Thailand. They are the ones sleeping in the fields, not finding a job etc.*"[90]. When they have spent a longer time in Thailand, refugees usually manage to rent a house from Thai landlords. Sometimes these Thai owners ask services in return, instead of rent, such as taking care of the field, the garden or the chickens. Other refugees build houses on wasteland (for which sometimes they afterwards need to pay as well). A last factor influencing the type of housing is of course the location. In rural areas, the houses look very much like the ones in camp but larger, in wood and bamboo, with a roof of leafs or thatch. In or close to town, most refugees live in a

[90] Interview with NGO staff member, Mae Sot, December 9, 2007.

house built of wood and bamboo with a tin roof, or in a concrete house if they are better off. A smaller amount of wage-earning workers lives with their employer (in the case of domestic work) or in crowded spaces within the factory compound.

4.4 Strategies to improve access to goods and services

Most goods and services are delivered in the refugee camps, thus the most efficient strategy for refugees is to place some family members in camp, usually the weaker/non-productive ones such as the elderly and the children. If they manage to get recognised as a 'temporarily displaced person', shelter, rations, access to education and health care is provided. Other goods, such as electricity, are only available for people with money (THB 50-65 per month in Mae La camp, THB 70-100 in Mae Ra Ma Luang camp) and people with connections to church (Mae Ra Ma Luang camp). While goods and services are thus available in the camps, access to them is not always assured. A groundbreaking survey by KRC in 1995 revealed that religion was an important factor in structuring inequality, more than was gender, which was subsequently ignored: "*Over the following decades, however, aid agencies tended to downplay the significance of religious and political divisions amid the refugee population, focussing instead on largely donor-driven concerns regarding gender equity*" (South 2008: 94). This situation has somewhat improved due to the enhanced presence of UNHCR on the border, but is still far from being resolved. In addition, as in any other camp situation, the distribution of rations can be accompanied with corruption, to the detriment of the 'common' refugees. In Mae La Oon camp for example, the camp leader and the camp committee were involved in extortion, which was discovered by NGOs and solved discretely[91]. While access to goods and services is thus certainly better in camp, at least for registered refugees, it is not 100% assured and may to some extent still be dependent on a refugee's demographic variables, assets and relative power.

[91] Interview with NGO staff member, Mae Sariang, July 3, 2006.

Outside the camps, access to goods always depends on financial means since there is no relief system, nor are there targeted services for these refugees, which will be explained in the following paragraphs.

Health care

Outside camp, refugees try to treat every sickness by purchasing medicine at the local drugstore. While the Karen do that too, they believe that some diseases have been caused by health spirits, namely when the illness is very sudden (Isarabhakdi 2004: 118-122). In that case, they believe in the positive effect of herbal medicine and spiritual healing, such as the use of holy water and incantations. All refugees will only go to a doctor or hospital when it becomes unavoidable. Even then, they expect everything to be solved with medicine (Banki 2006b: 341).

In principle, everyone is allowed access to Thai hospitals and smaller health centres on humanitarian grounds (Isarabhakdhi 2004: 122). In practice though, the Burmese may fear to do so because of their lack of Thai language skills, the cost of the treatment, and the required travelling to the clinic which may lead to arrest and again costs money due to transport fees and loss of working time during the day. Access to health care is thus not always assured.

Due to the high concentration of Burmese people in and around Mae Sot, health care is in that area not only provided by Thai hospitals, but also by health centres set up by refugees. Mae Tao clinic is the largest of these hospitals, and is established by a Karen woman named Cynthia Maung. It provides free health care for over 100 patients a day, in Karen and Burmese language. Many of the refugees in and around Mae Sot mentioned how they would go to this 'Student's clinic' if it was really necessary, but how they feared detection by the police. The local police knows that the clinic is an attraction pole for Burmese people and regularly harasses patients for bribes:

> *"Many patients get stopped on their way to the clinic, mostly early morning or later in the evening. They do not get arrested in the clinic,*

> *but when they are arriving or leaving, and they often get their medicine taken from them.*
>
> *The police constantly patrols along the rice fields just next to the Clinic. A few weeks ago, two men were begging us at night to get into the clinic to wash their feet, which we are not allowed to do, so we didn't. Only later it became clear that they were part of a group of 20 people who had crossed the border into Thailand at night. The other 18 were held at gunpoint in the field, but these two managed to escape. They wanted to get to Bangkok, but they thought that nobody would pick them up with their dirty feet.*
>
> *And then you have the extended taxi service here. Some of them are corrupt, so they take patients back, and then suddenly ask four times the cost of the ride. If the patient cannot pay, then they deliver them for some money to the police, who brings them to immigration and then they are deported".*
>
> (Interview with volunteer at Mae Tao Clinic, January 9, 2007).

These problems with the police have resulted into closure of at least one of the smaller refugee clinics, namely the one established by YCOWA[92].

Moreover, even when the disease has been identified, the treatment might not be sufficient because the people concerned are illegal and mobile. The following episode painfully demonstrates this position:

> "*There is a pregnant woman that has been coughing for weeks. Antibiotics do not seem to work. She said she already coughed up some blood. Tuberculosis. We transfer her to a Thai hospital that arranges treatment for TB. The next day she comes back with a bag full of medicine. Antibiotics. Nothing for TB. 'Why not?' The patient didn't know. Communicating in this border zone where people speak Thai, Burmese or some Karen dialect is not easy.*

[92] Interview with Moe Swe, Director of YCOWA, October 7, 2007.

> *Everything becomes clear when our Thai- speaking medic calls the hospital. 'Yes, that woman probably has TB. But the treatment lasts six months. And she is a migrant, so she will probably not finish the treatment. She will probably just move somewhere else again to find a job or safety. So she does not get treatment. Better no treatment than an incomplete one and increasing resistance to the medicine. That is the rule.' 'But what if she infects everyone in her village?' 'Too bad, that is the system'.*
>
> *Luckily every system has its small openings and as a tropical doctor you tend to get good in finding them. 'Does your husband cough as well?' 'Yes, but I haven't seen him for weeks. He is registered in a refugee camp up north'. 'If he has TB, your whole family can get treatment in camp then'. He did have TB (luckily, I fear I have to add...). Solution found for this family. Providing treatment for migrating illegal people is even more difficult than for camp refugees. That is why so little organisations try to do it*".
>
> (News letter from a foreign doctor who works in a field hospital on the border, September 20, 2008)

The story for HIV/AIDS treatment would be exactly the same, regardless of the consequences for the person concerned and his/her environment. All these factors combined entail that health care for self-settled refugees is still far below the level of treatment of camp refugees (which has also been found in other refugee situations (e.g. Ethiopian refugees in Guinea (Bulcha 1988: 141)).

Education

For the self-settled refugee children, education was until recently dependent on their legal status. Only refugees who married Thai locals had children with a legal status, who were consequently able to go to Thai schools. For the other children,

access could be negotiated, depending on the goodwill of the school in question and/or bribe money. But in 2005 the RTG decided that even children of illegal Burmese parents were allowed to attend Thai schools, which is very promising for the future integration of the children concerned (Mekong Migration Network and Asian Migrant Centre 2005: 124).

Still, also in the case of education, some parents prefer the 'separation approach'. In and around Mae Sot for example, the local Burmese network has set up multiple 'migrant schools' to improve the enrolment of Burmese children. These schools, which will be accredited as 'Learning Centres', provide schooling in Burmese and are developing curricula to match Thai curricula[93]. This separation strategy can be a consequence of continued hope to return to Burma and wish to preserve the cultural identity, or because of local capacity restrictions- after all, the Burmese are estimated to outnumber the Thais by a factor of three in Mae Sot (Myint Shwe 2004). In other areas, enrolment in Thai schools is usually aimed for.

4.5 Civic strategies

Civic strategies are strategies that aim to improve access to or public participation in community, governmental and public affairs. The Burmese refugees in Thailand are not allowed to form associations, but as mentioned above, diaspora organisations are nonetheless being set up to improve worker's related rights, health care and education. Usually they stay low-profile though. Voting in Thai elections is obviously not possible either, but occasionally Burmese organisations do organise elections. Within the camps, elections are held every three years for all the important positions in the section, zone and camp committees (TBBC 2008b: 57). Outside the camp, there can be elections as well. In 18 villages around Mae Sot for example, the KYO selected several people, after which the Burmese people

[93] Email conversation with the Fred Ligon, director of World Education/World Consortium, April 24, 2008.

could vote on who they wanted as a representative for the next year. Again, a lot depends on the area of inhabitancy.

Documentation and citizenship strategies are also civic strategies but these typically require a long, difficult and costly procedure, unless one marries a Thai partner. People may try to get a temporary residence or work permit, or a coloured identity card, all of which also serve the purpose of protection. Depending on the colour of the identity card, the owner enjoys more rights in terms of length of stay, access to work and freedom of movement. These coloured cards have only been issued in certain provinces, mostly those on the border with Burma (Vicary 2004: 32). In Tak province, green and sky-blue cards have been given to the hill tribe Karen (largest minority group), Lahu, Akha, Hmong and Lisu, but many Burmese Karen have them too, as they share the ethnicity of the local Karen population. It is indeed very difficult for the government to prove who is Burmese and who is not, as some residents have dual nationality due to the fluid border situation in the past, while Burma cannot confirm citizenship as they have not issued identity documents to many of their citizens in rural areas (Martin 2004: 22). Refugees can thus take advantage from this confusion, by blending in into hill tribe villages and by cultivating good relationships with local leaders. These local authorities[94] have after all a more appreciable presence in these remote regions than the central state does. Access to documentation is thus not always a question of the law and formal state policy, but rather of local actors that are of use for a subgroup of refugees (Polzer 2008: 10). In this case, that subgroup of refugees negotiates access to documentation on the basis of one identity element, namely shared ethnicity, rather than a refugee identity. The only issue that can then still inhibit a legal status is the cost of the document[95].

[94] Whereas the fore-mentioned 'local leaders' need not be state-related authorities (Polzer 2008: 9), but can in principle also be church leaders, imams, rich landlords, and these more, all respondents only mentioned state authorities or brokers (explained below) when explaining how they obtained an identity card.

[95] Email conversation with NGO staff member based in Mae Sot, June 25, 2008.

Table 4: Coloured identity cards

Orange or violet: temporary residential status for Burmese illegal people who arrived after 1976. No freedom of movement, although in practice tolerated in nearby villages.

Pink: residence permit for Burmese displaced people outside camp. No freedom of movement, although in practice tolerated in nearby villages. Permanent residential status if holder can proof entry before 1976.

Green with small red border: residence permit. Freedom of movement in the district. Intended for hill tribe people who never received any other status. Permanent residential status if holder can proof entry before October 3, 1985.

Sky-blue: residence permit but not citizenship. Freedom of movement in the province, although in practice tolerated in close-by provinces as well. Intended for hill tribe people. Permanent residential status if holder can proof entry before Oct 3, 1985. Thai nationality (and thus Thai identity card) if holder can proof that he/she is Thai.

Source: internal document IRC, October 12, 2005; personal interviews with refugees; Toyota (2005: 121-123)

While in principle one should belong to only one category, in practice people seem to be getting a different (better) coloured identity card as time passes. The pace to get a different card does not seem to be pre-determined though, but depends on the particular village. However, many people lack evidence to proof that they entered before 1976 or 1985 and even 'real' hill tribe people often cannot proof that they are Thai because they lack a birth certificate (Toyota 2005: 119), thus a lot depends on the goodwill of the local power holders. Moreover, none of these coloured cards provide full citizenship, which impedes full freedom of movement, getting a diploma, voting and owning land. As Toyota (2005: 118) states: "*They are subjects of the state without citizenship*".

As life in Thailand is so difficult without an identity card, the black market is, unsurprisingly, active in this business as well. They can be obtained for a cost of THB 70,000- 80,000, to pay off the registration office, the village headman, the 'parents' and the broker. A safer and cheaper documentation strategy is applying for protection to UNHCR, which provides the refugee with a PAB Slip or a registration and identity card[96], depending on the phase in the procedure. Outside the camp, there are no rights attached to these cards though. Cards that do constitute a safeguard in the borderland outside camp, without being Thai, are papers provided by the KNU, but of course political connections are needed to obtain those.

4.6 Concluding remarks

Refugees cannot help but to be economic actors as they need to find a means of living in the host country. However, the formal legal framework in Thailand tends to be against refugee labour (apart from periodical registrations of 'migrant workers'), and as such is a key determinant in refugees' vulnerability and ability to pursue livelihoods. The constraints they face are quite typical for situations of mass refugee influx: they are seen as temporary 'guests', and have to face restrictions on access to work, property, movement and settlement (Jacobsen 2002: 103). This formal policy is circumvented by the Burmese though, to the benefit of themselves *and* the local population. As it is very difficult for this overall rural refugee population to obtain land or to develop a well-functioning trade business while being illegal, the majority is employed by Thai locals. This high level of wage labour is substantially different than the predominance of self-employment and small businesses found in many other refugee studies (e.g. Dick 2002; Machiavello 2003; Jacobsen 2005; Campbell 2005). This difference can be attributed to the large

[96] These personal identity cards were given to all the camp refugees in 2007. While there are no rights attached yet to these cards, UNHCR and NGOs hope that these will in time lead to access to work outside camp since refugees can now easily be identified (TBBC 2006: 6).

demand for foreign labour in this case, either seasonally in agriculture or construction, or the whole year through in factories, services and tourism (due to economic, population and migration trends, as will be explained in Chapter 6). Foreign labour is needed because of the well-functioning economy of Thailand, which can be contrasted to the state of the economy in many host countries in Africa (where most refugee research is conducted). Moreover, Thailand's economy is based on a segmented labour market, with a large-scale low skilled sector that provides opportunities for the Burmese. Therefore, both camp refugees and self-settled refugees integrate on the economic level, and local authorities connive it. Everything depends on local negotiations, connections and power structures (between refugees, employers, police, local politicians, the central state, the army, the international humanitarian community, etc.).

The subsistence strategies found clearly indicate that camp refugees are not that hopeless as is often portrayed (e.g. in Hovil 2002: 10-11), but that they too find multiple ways to supplement rations. This is evidence against the aid dependency syndrome hypothesis of camp refugees. By saying this I do not want to deny that most of the refugees would not be able to survive in the current camp conditions without the rations, but simply that most have not resigned themselves to that powerless position and to reaching only a very basic level of survival. But of course, the opportunity cost of illegal travel and work and potentially risking arrest is a lot higher for camp refugees. They not only risk losing rations, but they also stand a chance of being seen as KNU-sympathizers due to the control of the KNU over the camps, which can put them in danger if deported. Therefore, a number of refugees have opted to always stay in the camp, even in the absence of labour options, which often results into a feeling of loss of self-determination. It is thus not necessarily the gap between a certain desired livelihood outcome and the actual outcome which causes frustration, but whether or not the individual has been able to effect change in his own conditions though agency (Valtonen 1998: 57). The contrast in terms of agency is not as high between camp refugees and self-settled refugees *per se*, but rather between on the one hand, self-settled refugees and

those who regularly leave the camp or find ways to regularly supplement their rations in camp, and on the other hand those of working age who do not (the 18.4% in my sample who were unemployed or had to survive on minute petty trade). If there would be any aid dependency with a negative impact on behaviour in durable solutions, I hypothesize that it would be more pervasive within this most vulnerable population, namely those who do not or hardly supplement rations, as they have lost any work ethic. Preliminary evidence in resettlement country US suggests that this hypothesis could be correct, with people who worked in Thailand being much quicker in finding and keeping jobs[97].

Other studies have pointed to the relationship between household educational attainment and food security. Bulcha (1988: 227-229) for example explains how the refugees with a high level of education have the best income, because they manage to find semi-professional and clerical jobs in urban areas. However, this connection is not present in this case, since the Burmese simply do not have access to those kinds of jobs because of their illegal status. Only those refugees with the necessary connections manage to get a skilled job with international NGOs. Most refugees are thus confined to low-skilled, low-paid labour, leading to downward mobility of the educated refugees (even if not necessarily in terms of payment) and making previous class and status differences less perceptible. This 'levelling' is similar to the findings of Vasta and Kandilige (2007) among Ghanian migrants in London.

A livelihoods analysis needs to go beyond a discussion of subsistence strategies aimed at improving food security though, unlike most field studies do. Even if the economic strategies are obviously an essential element, the analysis above clearly indicates that protection and civic strategies, as well as strategies to improve access to goods, property and services are very important as well. People develop strategies to improve their resilience against shocks in a holistic way, thus all these strategies are linked, which implies that a basic insight in these other strategies is required. Refugees actively adapt to their life in exile in a wide variety of ways: by

[97] Informal conversation with Stephen Hull, KHRG, who visited various resettled communities (Burma conference, Northern Illinois University (3-5 October 2008)).

finding a job, but also by establishing schools and hospitals, creating diaspora organisations to improve their rights, applying various civic strategies and these more. We should not be surprised about their creativity though, as refugees generally have survived in very harsh conditions in their home country as well: *"What is so often forgotten is that before they became refugees, such individuals lived independently in the cities, slums and villages of their home countries, and found ways of fending for themselves: there is no welfare state in Africa*" (Hovil 2007: 614). The same could certainly be said for Burma and its citizens. However, when comparing the refugees' strategies in Thailand with the limited evidence on their livelihoods inside Burma, there seems to be little continuity, unlike findings by Horst (2006c) on Somali refugee livelihoods in Kenyan camps. There are a few elements of continuity, such as the large risk of expropriation on both sides of the border, as well as the comparable influence of power, corruption and political assets (positive or negative depending on context)**.** But apart from those issues, the conditions before and after flight are simply too different and strategies seem to be adapted to life on the *Thai* side of the border, regardless of culture and lifestyle prior to displacement (similar to conclusion of Vincent and Sorensen (2001: 274)). Protection and various civic strategies are aimed at decreasing the risk of arrest and deportation, as well as at improving labour conditions and access to services. Subsistence strategies have changed enormously due to the switch of a food production economy to a monetary economy, which was necessary because of the lack of access to land. Another important modification is the large role of international actors, certainly in the field of goods and services in camp and to a lesser extent in urban areas. Their presence can also explain the increased interest of both camp and urban refugees in English language skills. Change thus seems to be more pervasive than continuity with the past.

These changes due to displacement also have an influence on informal institutions, such as gender roles. An important modification is the increased relative power of women, certainly in the camps. This occurred both because of the insistence of NGOs on gender rights (and human rights in general), which led to a larger number

of women in high-level functions, and because of the agency of the KWO. The KWO has established safe houses for abused or divorcing women, organised courses on domestic violence, pushed the camp management and the KNU for more women's participation (in fact, the former head of KWO is now the General Secretary of the KNU), etc. As a result, the issue of gender equality has come to the forefront. Also the fact that both boys and girls get education in camp leads to a radically higher education rate of refugee girls compared to their counterparts in Burma, but also compared to their mothers and fathers, enlarging their influence (Brezovich 2005: 23). This higher education of youngsters leads to changed preferences, for example against arranged marriages, or in favour of English language skills which can lead to NGO jobs, which can in turn lead to a clash with the traditional leaders (Turner 2006; Clark 2006), which is occurring to some extent. On the other hand, given that the Karen society is a collective society, these tensions seems to be eased somewhat because respect is not only earned through socio-economic position but also through what one does for the community[98].

Also outside camp, gender relations change, certainly in urban areas. As there are many jobs which are reserved for women, refugee women tend to find work quicker. As a result, their responsibility and relative power in the household enlarges. Displacement has thus generally led to increased gender equality, or at least awareness of gender issues. Changes to social institutions and practices thus resulted from the necessary adjustments to the new socio-economic conditions, which can also be seen in other refugee situations (Vincent and Sorensen 2001: 271).

Returning to the basic research question of the importance of settlement choice for refugee livelihoods, in this chapter it has become clear that the settlement choice that refugees make is very important, as it influences their assets, strategies and social and economic outcomes. Once a person is registered, living in camp ensures better food security and improved personal safety due to access to protection, rations and a wide range of services. The income of camp refugees seemed to be

[98] Email conversation with Miles Jury, Community Liaison Officer of TBBC, December 28, 2007.

more irregular than of self-settled refugees (unless there was permanent family splitting), but this is not necessarily problematic as they have a robust safety net to fall back upon, namely the relief system. As long as one does not leave the camp, the contact with the local population (and thus integration) is minimal though. In contrast, many self-settled refugees are constantly in danger of arrest, but they usually have a more regular income because all adults try to find work to make ends meet, feel more in control of their lives (resulting in a better self-esteem) and may be able to integrate with positive long term outcomes (e.g. access to land and better food security, stay permit or identity card etc.). On the other hand, they lack ensured access to services, and are more vulnerable to exploitation and shocks (e.g. increased xenophobia at the local level[99]). Moreover, they are 'invisible' due to their illegal status and subsequent lack of 'voice', as well as the lack of attention to their existence, certainly outside urban 'concentration areas' (Castles et al. 2005: 31; Polzer and Hammond 2008). Whereas economic integration (in the sense of access to work outside camp) is important for most refugee households, the level of social integration and local embeddedness was thus particularly for self-settled refugees found to be an important intermediary outcome that facilitates their livelihoods in exile because of the different power structures outside camp. After all, they need to engage with the host population and local power figures for every need they may have. Which level of social integration they attain and which factors influence that level of integration will be explained in the next chapter.

Given the large differences between the various settlement options, it should not come as a surprise that the durable solutions envisioned by people in these different places also differ considerably (see also Section 7.3.2). Even if most prefer repatriation if that were possible, currently camp refugees are strongly focused on resettlement programmes, while self-settled refugees try to integrate and obtain

[99] For example, in February 2009, a Thai student in Chiang Mai was murdered. Several hundreds of Burmese workers were arrested, after which two were thought guilty. Since that event, there has been an enormous increase of hostility of the local population towards all Burmese (mostly Shan in that area). Vigilantes took the streets in Chiang Mai, rounding up migrants and sometimes beating them or burning their homes, meanwhile demanding the expulsion of all migrant workers in the neighbourhood of the campus and an overall stricter management in Chiang Mai (Fry 2009). The local authorities have also obliged anyone employing Burmese workers to register informally, and in some areas curfews have been imposed on foreign workers (Min Lwin 2009).

some form of legal identification. This preference for integration is a deliberate choice for some, particularly if they are ethnically related to Thai (hill tribe) locals, but it is a necessity for others who are simply not eligible for resettlement as they live outside camp. The preference for a certain durable solution, and thus expectations for the future, in turn has an influence on current strategies, as for example young people who will leave for resettlement tend to neglect school, while refugees who keep focused on repatriation tend to stress traditions vigorously. Generally speaking, there is thus a clear trade-off in livelihood outcomes and desired outcomes when 'choosing' a particular settlement option. In practice though, there is of course a lot of heterogeneity within each location, thus there are no vulnerable groups *per se* (Schütte 2004; Horst 2006c). Another point to make is that vulnerability and livelihood security are two ends of a continuum and a refugee's place on that continuum may change quickly:

> "*Vulnerability and agency are multidimensional, relative and fluid concepts which capture the realities of different refugees at different stages of their lives*" (Horst 2006c: 206).

CHAPTER 5 : INTEGRATION AND TRANSNATIONALISM: THE IMPORTANCE OF SOCIAL CAPITAL

While the previous chapter has focused on the livelihood strategies developed by refugees in the context of the border zone, there is a need to go deeper into how these options are influenced by the refugees' social capital. Social capital is "*the capacity of individuals to command scarce resources by virtue of their membership in networks or broader social structures. (...) The resources themselves are not social capital; the concept refers instead to the individual's ability to mobilize them on demand*" (Portes, as quoted in Vertovec 2003: 648).[100] Hence social capital is not only intrinsically valuable (i.e. people value friendships and social relations in themselves), but also instrumentally valuable (it assists in the formation of other types of capital) (Sen, in Schafer 2002: 38).

Even if refugees are creative actors, they often need the cooperation of co-nationals or locals to achieve their goals: *"Social capital is a vital aspect of models for understanding livelihoods, and the importance of social networks for gaining access to other forms of capital is widely acknowledged.(…) Social networks often change during conflict and after flight, but their importance does not decrease. Before, during and after flight, social capital enables people to access resources and make choices they might otherwise not be able to make"* (Horst 2006a: 11-12). Refugees need the support of fellow refugees in different forms at different stages, i.e. the practical arrangements of the flight itself, housing and essentials in the host country in the first few weeks, emotional support, advice, connections with employment and financial networks, to celebrate together etc. (Vertovec 2003:

[100] The definition used here is based on the vision of social capital by Pierre Bourdieu who sees social capital as an individual asset. This can be contrasted with the view on social capital by Robert Putnam, who considers it a feature of communities (Portes 1998).

650; Jacobsen 2006: 282; Vasta and Kandilige 2007: 20). This case is no exception. Meeting places (for example tea shops) in Burmese neighbourhoods in Thailand are the contact point for new arrivals, where they can stay temporarily and/or hear about asylum procedures. In addition, informal safe houses have been set up by individuals, political groups and CBOs (for example Association for the Assistance of Political Prisoners (AAPP)) to provide the new arrivals with food and housing for the first few weeks. Through these networks, they can be introduced to Thai employers and house owners.

> "*When I first arrived AAPP helped me. I have a work permit since 2004, which was paid for by a Japanese friend. A Thai businessman was convinced to get it for me, even if I am not actually working for him. We just understand each other. I got UNHCR-registration and was moved to Nu Poh camp just 3 months ago, in the batch of urban slipholders. Just five days ago I got out of the camp again, to do fundraising for migrant schools, a job given to me by AAPP. I am also still working underground, helping the people in Burma to get the work done*"[101].

While initiatives for newcomers thus exist, there is still a climate of distrust that needs to be overcome by new arrivals without previously established connections: "*Today I was visited by a desperate woman. She can't find a job, has 3 children and doesn't know what to do. No one wants to help her here, she doesn't have any connections, and the family of her diseased husband in Burma doesn't want to support her either. She was crying. I will try to find a job for her, here in Mae Tao clinic. But other Burmese staff said that before they will give her a job, they will check her story and find out whether she is not a spy*"[102]. Coming from a country permeated by fear for the SPDC and its widespread informants network, the climate of suspicion thus persists in exile. Therefore, individuals who have established links with other Burmese in Thailand before their flight can more rapidly improve their livelihoods in exile than new arrivals lacking those

[101] Interview with political refugee, AAPP office, Mae Sot, December 20, 2006.
[102] Interview with expat psychological counsellor, Mae Tao Clinic, November 17, 2007.

transnational networks, which corresponds to research findings among Mozambican refugees in South-Africa (Golooba Muteebi, quoted in De Vriese 2006: 14).

In addition, refugees may try to develop social relations outside their 'in-group', with the host community. Investing in social relations with people in different localities and social groups is after all an effective risk-spreading strategy. Certainly outside the camps, the importance of connections with the local community is great, as this kind of social capital enables refugees to successfully negotiate their stay and their activities: "*The ability of refugees to work and move around freely outside of camps is contingent upon the good will and cooperation of most of the local population, their leaders, and the local authorities. In the absence of this good will, refugees encounter hostility, antagonism, and even threats, and the host community is more likely to call on the national government to clamp down on refugees. When the local community accepts refugees, they are better able to hide from authorities, face fewer security threats, and are more able to pursue livelihoods"* (Jacobsen 2005: 16). For access to housing, land, services and jobs, self-settled refugees in Thailand are to a large extent dependent on the host population. This development of social relations with the host community can go up to the level of real friendship and social integration, or can be restricted to a form of economic and structural integration.

But in contrast to a common public perception in several Western European countries, integration does not necessarily imply a complete assimilation in the host country or 'new home country'. Successful integration might very well go hand in hand with strong connections with the country of origin at different levels (social, cultural, economic, political): the relationship between integration and transnationalism is NOT a zero-sum game[103] , which confronts popular perceptions of 'national identity', citizenship, cohesion and migrant incorporation (Zetter 2007: 180). I therefore disagree with Wahlbeck' s statement (2002: 225) that the most significant relation of refugees is always with the society of origin through

[103] This was the common conclusion at the 2007 COMPAS Annual conference, Oxford. For quantitative evidence, see Guarnizo et al. 2003.

transnational contacts. Refugees seek a kind of co-existence of integration and transnationalism, which is not necessarily easy for the person concerned. Both notions of home and 'non-home' change, and these conflicting narratives of identity and belonging can be painful for migrants and refugees (see e.g. Smith 2002; Al-Ali and Koser 2002: 6; Essed et al. 2004: 12).

Both bonding capital (with the 'homogeneous' 'in'-group) and bridging capital (with Thai locals) are thus vitally important[104], but social capital has its drawbacks as well. Time, energy and money have to be spent to maintain connections, which may start to become a heavy burden after a while. For example, studies have pointed out that the sending of remittances to family members in other countries may hinder a refugee's prospect of successful integration, due to constant phone calls for support, higher costs in the new host country and increasing indebtedness (Nyberg-Sorensen and Van Hear 2003; Van Hear 2004; Akuei 2004; Jacobsen 2005: 56-68; Lindley 2007b), while on the receiving end, constant remittance sending can create dependency. Excessive dependency on social capital is thus a sign of weakness, rather than strength. Moreover, social connections can be to the detriment of a person's individual freedom and can lead to downward levelling norms (Portes 1998: 18). Another important note is that not all sources of social capital are valued highly in the host society. On the contrary, some assets during war time may become liabilities in exile. In this case for example, previously strong connections with rebel armies lead to the exclusion from resettlement programmes. More social capital will thus not necessarily lead to better outcomes, as the value depends very much on the particular context. Lastly, while bonding capital can lead to an improved access to assets, it can also lead to the exclusion of others (Portes 1998: 18) and to marginalisation as a group (Bulcha 1988: 183), thus it is important for an individual to obtain a healthy balance with bridging capital.

[104] The concepts 'bonding' and 'bridging capital' were coined by Robert Putnam and are used in numerous studies (e.g. Wescott and Brinkerhoff 2006: 12; Cheong et al. 2007).
For the sake of convenience, bonding capital was taken to mean the networks in between people from Burma, even if the rifts between various ethnic groups of the Thai-based Burma population may be of the same order as 'inter-group' tensions with the Thai locals.

In the first section of this chapter, bridging capital with Thai locals and integration in general will be explored, followed by an analysis of bonding capital with the 'in-group', which can be either inside Thailand or across international borders (transnationalism).

5.1 Refugee integration in a situation of mass influx

Traditionally, studies on integration discuss several functional indicators: housing, employment, access to health services and access to education (Ager and Strang: 2008: 185-186; Hatziprokopiou 2003: 1035). This approach stems from the fact that a refugee status involves the right to protection, which in turn involves access to shelter and services and the right to work (Korac 2003: 52; Barnes 2009: 8). Research on these practical aspects of integration seeks to measure the outcome of (a lack of) integration of a certain migrant/refugee group. Typically, these research papers are financed by Western government institutions and finish off with policy-oriented recommendations. Alarmingly few studies undertake a wider analysis of the issue of integration, such as the social relations of refugees with the host population, since this cannot easily be influenced by policy. This is a void, given that integration as perceived by the refugees themselves is *both* about its functional aspects and social participation in the wider society (Korac 2001: 4).

Moreover, there are very few studies on refugee integration in non-Western settings, and particularly in situations of mass refugee influx. However, these situations are vastly different, as there are usually no individual refugee status determination procedures. Instead, there is prima facie recognition of refugees, which in practice often results into fewer rights than the Convention status does: "*Particularly where they are confronted with situations of large-scale influx, States tend to seek a trade-off: in return for their acceptance of an obligation to admit refugees onto their territory, and to refrain from refoulement, they claim discretionary rights in the matter of asylum as a lasting solution, and in the*

treatment to be accorded to those admitted" (Durieux 2005: 90). As these situations of mass influx usually occur in developing countries, the host state often does not have the means to ensure access to services for its own population, let alone for the refugees. Therefore, refugees are usually required to stay in camps, where goods and services are provided by international humanitarian agencies. Refugee integration is thus usually not state controlled or even discouraged while waiting for other durable solutions, which entails that integration occurs spontaneously instead. Even if some literature already exists on the topic (Bulcha 1998; Kuhlman 1991; Bakewell 2000a; Hovil 2002; Crisp 2004; Kaiser 2006), the issue remains greatly underresearched.

The following sections will look into how integration works in this case study, what the influential factors are and whether and to what extent Burmese refugees integrate on an economic, social and structural level. Both the micro (from the viewpoint of the refugees) and macro perspective will get a chance in the analysis. In Chapter 6, it will be assessed what the outcome of these integration and livelihood strategies is for the host population (mentioned as an important research gap in Landau 2004), while in Chapter 7 other case studies of integration worldwide will be looked into for the sake of comparison. This study hopes to provide a better insight into this subject, which is currently ignored in Thailand. Still, further research will be needed to complete this picture in other geographical areas than Tak province, and finer methods will need to be developed to assess how refugees feel about integration (identity, internalisation and satisfaction of the refugees), as the information collected on this subject was inconclusive.

In terms of operationalisation, the frameworks developed by Kuhlman and Banki were very useful. Tom Kuhlman developed the most diverse research model on refugee integration as long ago as 1991, in which he draws on several theories of amongst others Kunz and Berry, to come up with a framework that thoroughly explains several aspects of refugee integration. Not only the factors that influence adaptation are analysed, but also the objective and subjective impact of the level of integration on refugees and locals. When assessing this objective impact on

refugees, economic, spatial, social and cultural integration are looked into, while the subjective impact can be assessed by looking at identity, internalisation, and satisfaction. The impact on locals will be discussed in chapter 6. Another source of inspiration was a more recent study by Susan Banki (2004). Banki sought to explain widely varying levels of integration within a certain refugee population by keeping in mind many factors that could possibly effect integration: political (tactical security and cross-country relations), security, legal (status of refugee in host country), economic and social factors, as well as individual and physical factors: geographic (porous border), temporal (arrival time and duration of refugee presence) and size-related (number and pace of arrival) factors (Banki 2004: 4-5). The influence of these different elements in this case study will become clear throughout the following sections.

5.1.1 The impact of security and physical factors on refugee integration

Many conflicting determinants of integration are present in this case study. While the porous border, the quiet pace of arrival before the end of the 1980s and the shared ethnicity (for the Karen and Shan ethnic minorities) facilitated crossing and blending in for some, other factors worked against integration, such as security factors and the size of the refugee population.

Security factors influence integration in several ways, but they had most influence during the 1990s. Village-like camps all along the border used to be condoned until then, but large-scale attacks on these camps in '95-'98 in which Thai civilians were killed as well strongly changed the Thai government's vision on these camps. Camp consolidations were considered the only way both to protect and control the refugee population. Therefore, the former village-like camps were united into a smaller number of larger camps, which were fenced in, obviously limiting the amount of contact between locals and Burmese people. However, the majority of the Burmese refugees have always stayed outside these spaces of exclusion. As a

result, when looking into local integration the self-settled refugees are the main research population.

Another influential factor is the size of the refugee population. At the end of the 1980s and in the 1990s, there were large influxes of refugees into Thailand (TBBC 2008b: 58), due to a convergence of several factors: the worsening state of the economy in Burma, the '88 revolution and the internal splits within different rebel armies, which resulted into additional fighting. As a result of this increase in numbers and ethnicities of refugees, and their spread over Thailand, a feeling of 'invasion' arose in certain areas and the hospitality of the local population decreased: "*In situations where the refugees differ from locals in significant ways, such as language, and where new inflows result in the number of refugees exceeding that of the local population, the latter can perceive themselves to be socially overwhelmed*" (Jacobsen 2001: 20). A vision of refugees as 'disease spreaders' and criminals arose, which provided a momentum for calls for increased control in limited areas and through registrations (security factors). In some areas, martial law was even imposed on Burmese people outside camp, which severely affected the already weak social fabric of the illegal communities, and it obviously strained options for social contact between Burmese and Thai people, hindering prospects for social integration. Even without this martial law, the social space of the Burmese in Thailand is limited due to their illegal status: "*Living under clandestine status involves much more than working informally: irregular migrants are trapped in a social space limited to the narrow trajectory 'from home to work'*" (Hatziprokopiou 2003: 1038). The following extract from an interview clearly demonstrates this position:

> *"A few weeks ago, I saw a woman very stressed out at Mae Sot market. I asked her what the problem was and she said that she already lived here for three years but had never left the factory and now she did not know how to get back! In TK factory where she works, most employees are unregistered. The manager said that they would protect the workers as long as they stayed inside the factory*

> *compound, but not once they were out, thus many always stay inside."*[105]

Still, in areas such as Tak province, signs of *de facto* integration are everywhere. Several respondents mentioned how many Thai people even encounter a culture shock when visiting border town Mae Sot, which has a strong Burmese feel to it. Menus are displayed in several languages, sign boards are bilingual and commercial activities are directed towards the Burmese customers – whose presence indeed greatly enhances the market in these under-populated border regions. On important public holidays such as the Thai King's birthday, Thai and Burmese boxing are alternated. This signals that a de facto mutual recognition is present. Apart from these mixed happenings, Burmese CBOs also organise festivals, celebrations and workshops targeted at co-nationals. Yaung Chi Oo Workers Association (YCOWA) for example not only negotiates with Thai employers, but also holds political discussions, organises workshops on domestic violence, arranges interviews with local and national media, etc[106]. The formation of these kinds of refugee community organisations are seen as a sign of de facto integration, since it recognises the present situation as one that is likely to be long-lived and that must be coped with (see e.g. Dryden-Peterson 2006; Hale, cited in Ager and Strang 2008: 178).

De facto integration of an individual can entail economic, social and structural integration at varying levels, which will be discussed successively in the following sections.

5.1.2 Economic integration

[105] Interview with Moe Swe, Director YCOWA, Mae Sot, October 7, 2007.
[106] Interview with Moe Swe, Director YCOWA, Mae Sot, October 7, 2007.

When looking into the economic factors of refugee integration, refugees are seen in terms of the market: "*as either a convenient pool of labor or a threat to domestic employment, as either a drain on resources or a boost to demand*" (Banki 2004: 5). In this case study, an ambiguous image arises when assessing these economic factors, as the Thai public opinion is very divided on the issue. On the one hand, foreign labour is in high demand with the Thai employers, certainly in those sectors that are regarded as inferior by the Thai host population (the so-called '3D-jobs': dirty, dangerous and difficult). This is clear from the official request of over one million Burmese labourers by Thai employers in 2006 (MAP 2007). On the other hand, in the aftermath of the 1997 crisis, Burmese people were blamed for taking away Thai jobs, which resulted into large-scale deportations. In addition, Burmese people are said to cost too much to the local health and education systems and in terms of law enforcement personnel compared to the added value they bring to the country. However, there is no substantial evidence for this position. On the contrary, a recent ILO study has proven that the net economic effect of the Burmese workers' presence on Thailand is positive, both due to their labour and consumption (Martin 2007) – which will be further explained in Chapter 6.

Regardless of the divided opinions, in practice Burmese refugees are economically integrated, as has already become clear in the former chapter. As there is no welfare system outside the camps, they need to work to survive, either in self-employment, but more commonly in wage employment for Thai locals. Economic integration is the first step of integration and comes before any kind of cultural assimilation (Bulcha 1988: 149). It influences many relevant aspects of integration: "*Promoting economic independence, planning for the future, meeting members of the host society, providing opportunity to develop language skills, restoring self-esteem and encouraging self-reliance"* (Ager and Strang 2008: 170). Still, having a job does not imply that the refugees are in the same economic position as Thai locals. Most refugees are engaged in lower class, manual labour jobs, regardless of their education and skills (as was mentioned in the previous chapter). While

employment is thus an important factor in integration, it does not reduce inequalities between refugees and locals.

5.1.3 Social integration

> "*Social integration starts with the establishment of contacts between refugees and their hosts. It is through social interaction that barriers are removed and attitudes change.(...) Common interests are recognised and accommodations made only if interactions take place. Here accommodation refers to the mutual adjustment of groups that retain their own identity and interest*" (Bulcha 1988: 174).

Integration is thus a two-way process of adjustment. Contrary to the widespread economic integration though, refugees find it very hard to integrate socially and develop informal relationships with the Thai host population, one of the reasons for which is the widespread xenophobia. The feeling of being overwhelmed, in combination with the historical feud with the Burmans (see infra), led to a situation in which refugees are criminalised and made a scapegoat for societal problems (subjective conflict, without a material basis (Bulcha 1988: 189)). However, respondents in Bangkok (Burmese CBO workers and Thai academics alike) thought the relationship between Burmese and Thais was a lot better in the border area because of their constant economic exchanges, which was also my hypothesis. This idea proved incorrect though. Reality has changed. Even in mixed Thai-Burmese towns and villages in the borderland, refugees are likely to encounter xenophobic attitudes. When my rented bike got stolen in Mae Sot for example, the Thai owner said: "*Yes, you have to be careful, there are so many poor Burmese people here. You can't even leave any money on your table in the shop, because if you turn your back, it's gone. (...) Some people even think I am Burmese. Why would they think that? Burmese people are much darker!*". This finding of racism, even in the border zones, was confirmed by many respondents and by a USCRI-ABAC study (2007).

This attitude is obviously problematic for the refugees' integration: "*The social structure of the receiving society and the attitudes of its members towards immigrants are variables that determine the speed, the direction and the level of socio-cultural integration*" (Bulcha 1988: 90).

Important additional explanations for this bad relationship are the limited meaningful contacts and the inability to speak each other's language. Burmese refugees in Mae Sot for example have developed strategies as an answer to the existing restrictions that set them further apart from the host society, such as the living in separate areas and the foundation of separate schools. They usually only meet Thai people at work (in different positions), and when it is necessary to procure goods and services such as housing, electricity, water, food and transportation (Caouette et al. 2006: 57). And even then, extensive interaction is not possible because of language constraints. This lack of 'meaningful contact' (Hewstone and Schmid 2007) leads to a situation in which many Thai people are completely unaware of the reasons that Burmese people are fleeing their country, even when living in the neighbourhood of refugee camps. Therefore, speaking the same language is essential. Burmese people who do learn to speak Thai are usually in a much better position since they are able to explain their presence, enhance sympathy and negotiate harassment. Certainly refugees from the second generation tend to speak Thai, live more 'Thai lives', dress Thai (western) and blend in (*acculturation*). Whether or not this kind of assimilation is also internalised very much depends on the person concerned. While some people passed themselves of as Thai by wearing yellow t-shirts (colour of the Thai King) on Mondays and purchasing identity cards, they often simply did this as a protection strategy against harassment (*instrumental adaptation*). In that case, changes in habits, behaviour and lifestyle are simply introduced in order to satisfy basic physical and social needs. These people still feel Burmese and tended to be angry at co-nationals who denied being Burmese (as observed with one of my interpreters). Others stated that even though their parents were Burmese Karen, they felt more like Thai Karen. As there was no option to return to Burma and they had been living in Thailand all

their lives, they saw integration as the only option. There is thus no guarantee that the external assimilation automatically translates into an internalised feeling of being Thai ('belonging'), even in the second generation, or in contrast, that everyone stays attached to the country of origin and develops a diasporic consciousness (Bakewell 2008b: 15).

Apart from language skills and personal characteristics, history and ethnicity are important factors in this case when explaining the large differences within the refugee community in the ability to use and cultivate bridging capital. The struggle for autonomy of the ethnic Karen from Burma used to be supported by the Thai government, as the Karen army could act as a buffer against the 'communist threat'. The connections are thus quite strong, and some of the Karen leaders have been living in Thailand for decades. In addition, these Karen are ethnically related to the Thai Karen, and have always had close relations, dating from before the international border existed (Toyota 2007). In contrast, Burman people are still loathed because of history: the former capital of Thailand, Ayuthaya, was destroyed by the Burman army in 1767 after a long line of mutual plunder and conquest, which resulted in a historical antipathy between the two people. As a result, Karen refugees find it much easier to increase their bridging social capital in the host country compared to Burmans. This finding that ethnicity is a very important factor for integration is not unique: "*In the Third World, the remarkable receptivity provided to millions of Afghans in Pakistan and Iran, to ethnic kin from Bulgaria in Turkey, to Ethiopians in the Sudan, (...) and to Mozambicans in Malawi has been facilitated by the ethnic and linguistic characteristics they share with their hosts. In this sense, the importance of affinity and shared group identity cannot be overstated. If a host community perceives the incoming refugee as 'one of us', then positive and generous conceptions of distributive justice will apply. The empirical evidence is overwhelming*" (Loescher and Milner 2007: 20). Likewise, in this case, in villages and towns where people do speak the same language and share the same culture and ethnicity, prejudice tends to be a lot lower and integration is easier. There is usually spatial integration (live in between locals), or at least peaceful

cohabitation (settlement close to existing village and good relations) (terms coined by Van Damme (1999: 49-50)[107]). An indicator of this better integration is the level of intermarriage, which for the Karen is a common adaptation strategy. Marrying a Thai partner guarantees less harassment by police and avoids the risk of having stateless and disadvantaged children. This advantage can work both ways, as several Thai Karen partners mentioned in interviews how they were encouraged by family to look for wives or husbands in the refugee camp nearby (due to the lack of suitable partners in their own village), which signifies a recognition of the permanence of the refugees' presence in those areas[108]. Furthermore, the shared ethnicity even facilitates the integration of non-Buddhist refugees. Christian Karen refugees in Nusipo village for example, successfully negotiated over land with the local Buddhist Karen population to build a church on the edge of the village. For special celebrations such as Christmas, all people in the village are invited, effectively avoiding tensions[109]. Social factors are thus very influential for refugee integration. Despite this better social integration in areas with co-ethnics, the Burmese do not totally blend in (Brees 2008c: 392). In all the villages studied, people knew exactly who was originally Thai and who was not, up to decades after arrival. In one case, a Karen man who arrived over 30 years ago and had a Thai identity card, was still paying THB 100 a year for a 'receipt of illegal people who fled'. Another respondent waited until we were alone to say: *"There is racism between Burmese and Thai Karen. But before, my 'aunt' was present and she is Thai Karen, so I didn't dare to talk about it. They do look down on illegal people. I could not help to leave my country though, there is no peace there. But here they look down on me. Sometimes I feel so small, thus I really want to go back. If anything changes, I will return, but now I can't*" (Interview with married Karen refugee, November 21, 2007).

[107] For outsiders it is even impossible to distinguish between Thai Karen and Burmese Karen (similar to situation of Angolan refugees in Zambia (Bakewell 2004b: 31)). As a result, some denied being Burmese when my interpreter asked them if they were Burmese and claimed to be Thai Karen, because it seemed the most appropriate nationality in a situation that required guard. Others responded by saying they were simply 'Karen'.

[108] This finding can be contrasted with the lack of intermarriage between refugees and hosts in Somalia, despite shared ethnicity and religion, whom both saw exile as a temporary phenomenon (Kibreab 1989: 476).

[109] Focus group discussion with four Thai Karen people, Nusipo village, February 6, 2007.

While the potential of contact enlarges extensively when refugees speak the same language as the locals, class differences are still perceived, which means contact does not necessarily go up to the level of real friendship. Indeed, refugees and local hill tribe people are often seen as inferior by other Thais due to their lower living standard, which can partly be attributed to the process of nation-state building in Thailand since the beginning of the 20th Century (Toyota 2006). In this process, the 'typical Thai' was taken to mean the Thais living in the lowland, working on irrigated land, speaking Thai and revering the Thai King. All the others who spoke different languages and lived in the hills were increasingly seen as non-Thai, and were classified as *Khon Pa* ('wild people') (Toyota 2006: 7). The Thai society became a homogeneous one, despite the presence of various ethnic minorities in the country. Such a non-pluralist society is less open for interaction and accommodation, and demands some uniformity of values and behaviour, which makes integration more difficult (Bulcha 1988: 175).

There are thus levels of social integration of individuals. A continuum could be imagined with separation/segregation or marginalisation on the one end, de facto integration and simple friendliness/tolerance in the middle, and on the other end real integration or assimilation[110] which entails 'meaningful' contact that can lead to readily usable bridging capital: "*There is a distinction between social contact with local communities that reflects 'friendliness' (generally understood as a lack of conflict and sense of acceptance) and that which reflects more intensive involvement with the local people. It was the former, with its linkage to a sense of safety and security, that was most closely associated with positive judgments of 'quality of life' by refugees. However, evidence suggests that the latter may be*

[110]These terms and their definitions come from Berry's acculturation model, as adapted in Kuhlman (1991: 5-6):
(a) Assimilation: submersion in the dominant society. Migrants become more or less indistinguishable from other members of their adopted society.
(b) Integration: the group maintains its identity but interacts with the society as a whole. Host population and refugees live together in an acceptable way.
(c) Marginalisation: when the group loses its own culture but does not become part of the dominant society. Their bridging capital permits them to neither live according to their own standards nor to the standards of the host country.
(d) Separation: no relations with the dominant society, the group sticks to its own identity. The term 'segregation' is used when this separation is imposed by other groups, as is the case for refugee camps.

crucial in bringing longer-term social and economic benefits to a community" (Ager and Strang 2008: 180). Meaningful contacts with the local population, or (real) social integration as I call it, is thus one of the essential factors to achieve sustainable local integration.

5.1.4 Structural integration

A further step towards durable local integration is structural integration. The structural dimension of integration can be defined as "*the full participation of migrants in the central societal institutions (especially the educational system and the labour market)*" (Snel et al. 2006: 299). Legal participation in the labour market is weak in this case though, due to the irregular and unpredictable 'amnesty rounds' for illegal workers and the prohibition of camp refugee work. Likewise, participation in the educational system outside camp was until recently prohibited for children of illegal parents. In addition to these two factors put forward by Snel et al., I argue that in this case, the legal status of a self-settled person is a very important element of the structural dimension of integration. There is quite some debate ongoing in refugee studies on whether a legal status is important for refugees. Whereas Kibreab (1989) and Jacobsen (2001) state that the legal status of refugees is significant because without that status even de facto integrated refugees remain vulnerable, Banki (2004) and Polzer (2008) disagree after having assessed that in various case studies and having found it had little effect. While seemingly contradictory, I agree with both. This is possible because I do not consider this legal dimension to be confined to refugee papers. On the contrary, refugee registration does not help in any way for safety outside camp or integration, as was found by Banki and Polzer. If 'legal factors' are however seen as to include other legal papers provided by the local or national government, they *are* influential. In this case, work permits and residence permits for foreign labourers for example are helpful, but unfortunately local police do not always

respect the rights attached to these permits and can request a bribe anyway. Moreover, these cards are only temporary. Therefore, (coloured) identity cards gain more weight in terms of structural integration. The possession of a Thai identity card is an important legal factor influencing integration, as this legal status greatly diminishes chances of harassment and arrest and improves opportunities for legal employment. In that case, the refugee comes close to the durable solution of local integration, even if holders of coloured identity cards do not have equal rights as 'full' Thai citizens have. This finding confirms Polzer's (2008: 8) statement that "*refugee protection can be seen as a by-product of successful integration processes, rather than integration being a result of refugee protection*". While she makes her statement for the case of South-Africa, where there are no camps, it holds for all cases where any self-settlement outside camps and integration is discouraged.

5.1.5 Preference

Lastly, one important factor still needs to be considered: preference. Indeed, the personal characteristics and preference of the refugee him/herself are equally important to structural factors when analysing refugee integration, just as they are for any livelihood strategy. The example given above on whether or not assimilation is also internalised already demonstrated this position, but the point can also be illustrated by the political activists' refusal to integrate. Danièle Joly (2002) seeks to explain this phenomenon by contrasting Odyssean and Rubicon refugees: Odyssean refugees nurtured a collective project in their country of origin that they still support from abroad, while Rubicon refugees did not support such a project or abandoned it in exile. For Rubicon refugees, integration and even assimilation are possible. Odyssean refugees on the other hand, such as the Burmese political activists, are focused on return to their country of origin to continue their project, and therefore integration does not appeal to them: "*The*

ends (oriented toward the country of origin) and the means (interaction with the society of reception) are complementary. The actors (Odyssean refugees) do not mobilize to make a place for themselves in the reception society, but to restore or create it in the society of origin" (Joly 2002: 14). Their society of reference continues to be the society of origin, which demonstrates the importance of the cause of the flight for attitudes towards integration (which is a subject Kunz (1981) elaborates further on). Camp refugees may also refuse to integrate, and instead consistently stress their 'refugee-ness', because they derive their rights to rations and services from that status (Malkki 1995). Moreover, if the hope to return is very strong (without necessarily supporting a project), refugees may be unwilling to integrate as well (Fielden 2008: 3), and instead re-stress their roots.

Social marginality or separation can thus occur both because the social system of the host country lacks the capacity or will to absorb them, but also because the newcomers lack the motivation and attitudes to participate in the host social system.

5.1.6 Concluding remarks

The livelihood and integration strategies may lead to assimilation, integration, marginalisation or separation. Any of these options can be found in the Burmese refugee population in Thailand. The conditions for integration are after all significantly different depending on region, urbanity and ethnicity as well as the assets and preferences of the refugee. Generally speaking, Burmese self-settled refugees in Thailand are on the way to intermediate refugee integration, even if they lack freedom of movement (Banki 2004: 2-3):

- refugees are dispersed among the local population,
- refugees participate in the local economy,
- a few refugees have been able to obtain land,

- refugees are able to access local health facilities (albeit language issues remain),
- refugee children can attend local schools.

Wijbrandi (1990: 67) would call this a form of 'subordinate integration', as the living standards, rights, mobility and participation in decision making of most self-settled refugees are inferior to that of the hosts. Moreover, there is limited social integration due to a lack of informal contact opportunities and shared language, as well as perceived class differences. Marginalisation or separation may also result from a lack of motivation from the side of the refugee or can be related to the social system in Thailand, since a homogeneous society requires a higher level of assimilation. Of course, there are exceptions to this picture, since people who are able to speak Thai and try to blend in, usually manage to establish more meaningful contacts and negotiate better outcomes. The level of social integration has thus certainly for self-settled refugees a strong influence on their livelihoods. Another exception to this general image are the Karen refugees in Karen hill tribe areas, as in addition to the factors above, they are socially networked in the host community and they are in a very similar socio-economic and political position as the local hill tribe hosts (relative component of refugee integration). The case of the Thai-Burma border thus confirms the importance of shared ethnicity, culture and language (social factors) for integration. Indeed, the people with the least variety in economic strategies, the rural self-settled refugees, have the highest potential to integrate successfully on the condition that they are ethnically related to the local population. Related to this social factor is the legal factor, the (coloured) identity cards. While some studies have questioned the importance of legal papers for integration, the bottom-up analysis in this case study on the contrary revealed that refugees themselves see non-refugee legal papers as the best protection outside camp, next to social capital. Other important factors influencing integration are security, geography of the border and size of the refugee population. Also location has an impact, as integration seemed to be easier in rural areas, where the self-

settled refugees live scattered, ensuring less conflicts and less police raids than in areas with large concentrations of refugees.

The evidence on the influence of temporal factors (arrival time and duration of refugee presence) is ambiguous, as they seem only important if related to security (camp consolidation after 1997-1998) and relative size (less hospitality and increased xenophobia as Burmese population in a certain area increases). Indeed, duration of refugee presence is not an influential factor in the attitude of the local population in areas with less refugees or with ethnically related refugees. Moreover, other case studies have found that assimilated younger refugee generations diminish locals' xenophobia (Fielden 2008: 4), but this case provides mixed evidence in that regard. For example, the self-settled refugees who have been in Thailand a long time or were born in exile are indeed better integrated or even assimilated (Jampaklay and Entwisele 2005), yet their precarious legal status impedes getting access to land or skilled jobs, which also distresses locals who are afraid that these restrictions will make them violent: "*There is a whole new generation of Burmese people growing up here, who have never been to Burma, who speak Thai. Security will worsen here, just like in France (2005 suburb riots, ed.). Nobody expected it there either. Crime is already very bad now. What will they do in the future? They have no land. We already have such big problems with the Malay Muslims in the south. We almost can't handle so many different religions. Maybe it will become like in the south here*"[111]. The conclusion thus remains that temporal factors are not the most significant factors of refugee integration in this case. Also economic factors - as defined by Banki- are not a good indicator of integration, as the vision upon Burmese labour is divided within the Thai population. However, Thailand's need for foreign labour is certainly an important element of the explanation why so many Burmese workers are de facto tolerated on Thai soil. Lastly, political factors have not been powerful indicators of refugee integration either. Even if the Thai government has sought to extend (economic) relations with Naypyidaw, this had little effect on the large majority of the self-

[111] Interview at Mae Sot district office, September 28, 2007.

settled refugees, as they tend to be invisible and therefore less politically sensitive on a bilateral level. It did have a large impact on the small number of registered urban refugees (political activists mostly) who had to stop all visible activism on Thai soil and were ordered to move to the camps for protection (explained in Section 5.2.4).

This case study demonstrates that refugee integration in case of a mass influx is vastly different than in the West. Numerous examples of spontaneous integration exist worldwide, in which case integrating refugees are often illegal populations with little rights or entitlements. One of those cases is Thailand. Despite the fact that Thailand only considers resettlement or eventual repatriation as feasible durable solutions, economic, social and structural local integration is ongoing. An informed debate on these different forms of integration with all the stakeholders is necessary, in contrast with the current view of migration to Thailand as a solely economic issue (Huguet and Punpuing 2005: 49). In view of the ongoing mass resettlement from the refugee camps, it needs to be discussed what will happen with the hundreds of thousands of residual caseloads, new arrivals and self-settled refugees. As Huguet and Punpuing (2005: 76) indicated in their state-of-the-art study on international migration in Thailand, there is a real need to assess what the possibilities are for permanent settlement. In cases where integration for subgroups of the refugee population is economically and socially feasible, a policy should be developed that surpasses warehousing and deportation for anyone outside the regulated camps. Currently this option is not yet explored in Thailand, neither by the state, and strikingly, nor by the UNHCR, who are completely silent on the issue. Policy options in this regard will be discussed in Chapter 7.

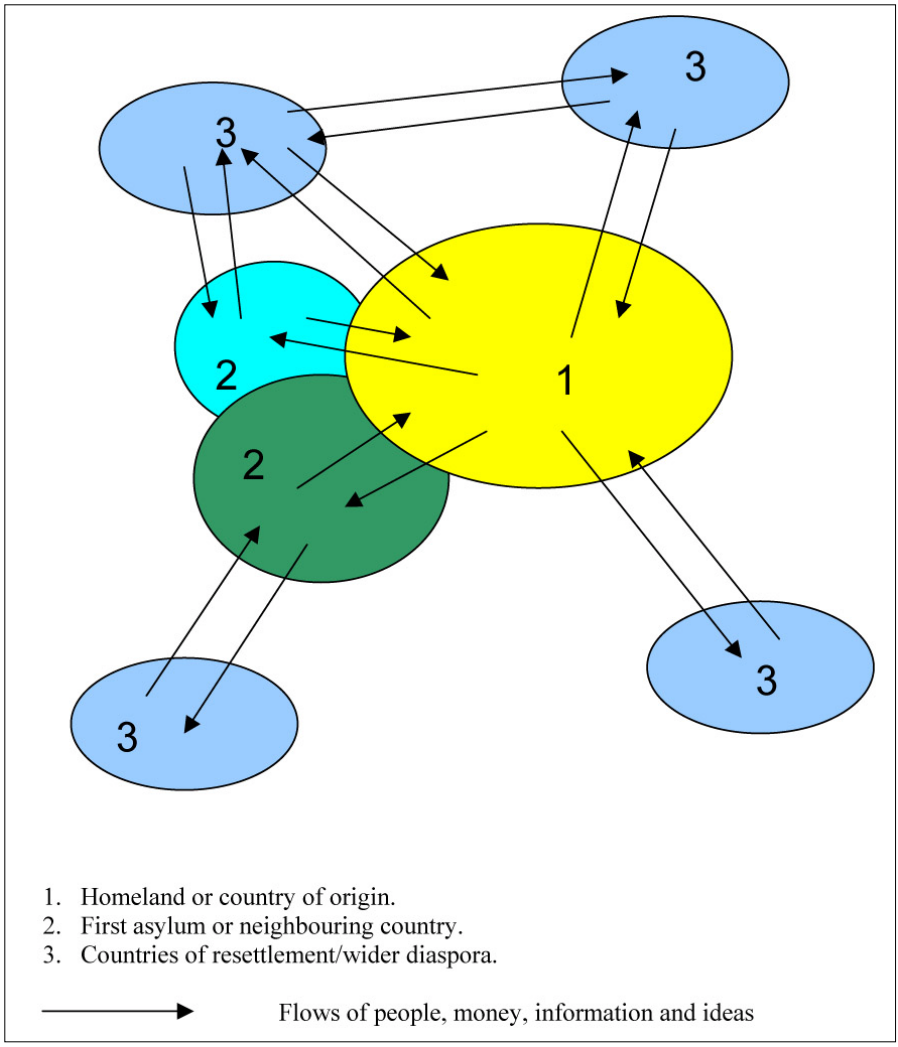
5.2 Refugees and transnationalism on the Thai-Burmese border[112]

[112] A shortened version of this chapter will appear in Oxford journal '*Global Networks*' (Brees 2009c).

Transnational activities can occur in various forms. They can be directed by institutions or corporate capitalism ('from above', globalisation), or 'from below', if the agency lies with common people whose activities span two or more nation states (Portes et al. 1999: 221; Al-Ali and Koser 2002: 1). This study is concerned with the latter form and defines transnationalism as follows: "*The processes by which immigrants forge and sustain multi-stranded social relations that link together their societies of origin and settlement. We call these processes transnationalism to emphasize that many immigrants today build social fields that cross geographic, cultural, and political borders"* (Basch et al., quoted in Wahlbeck 2002: 223). A transnational community is thus a community whose ties cross international borders, including both the people in exile and their families in the country of origin. Whereas the term 'diaspora' signifies the experience of forced migration and the social, cultural and political formations resulting from that, the term 'transnational communities' is broader: "*It is a more inclusive notion, which embraces diaspora, but also populations that are contiguous rather than scattered and may straddle just one border*" (Van Hear 1998: 6). Both concepts point to the multiple and simultaneous ways that people belong and incorporate in 'home' and 'host' countries (Cheran 2006: 4).

While transnationalism is not a new phenomenon, globalisation and the new technologies of transport and communication have changed patterns of migration and possibilities to develop strong connections with the country and people left behind. A scheme developed by Nicholas Van Hear (2003: 4) visualises these connections between refugees, which he sees as flows and exchanges of money and information in and between the different domains of the refugee diaspora:

Figure 3: Transnational flows



Source: Van Hear (2003: 4)

There has been an increasing amount of research on transnationalism and remittances, but several gaps remain. Studies on transnationalism tend to focus on connections between migrants or refugees in the West and their (developing) countries of origin (e.g. Landolt et al. 1999; Al-Ali et al. 2001; Freeman 2002; Wahlbeck 2002; Guarnizo et al. 2003; Datta et al. 2006; Portes 2007; Kleist 2008). In contrast, the concept has hardly been applied in research into non-Western

settings: "*This is a reflection of the geographical bias of the literature on transnationalism which concentrates on the receiving context of North America, and to a lesser extent Western Europe, to the virtual exclusion of communities in the rest of the world*" (Collyer 2006: 95). In particular, little research has been conducted on transnationalism from below in countries from the South that receive large refugee populations (exceptions are e.g. Lubkemann 2000a; Stigter and Monsutti 2005; Horst 2006c; Young 2006).

There seems to be a biased idea of refugees in situations of mass influx as 'defenceless victims' (Pupavac 2006: 1), as depoliticised subjects who lack the capacity to sustain themselves, let alone support others. However, this does not correspond with the reality. Refugees often need to take care of themselves *and* kin in other areas or countries. Having said that, of course the context is substantially different for refugees who flee as part of a mass movement to neighbouring countries, than for recognised Convention refugees in the West. The former often lack a secure legal status, there is usually no welfare system for either locals or refugees, they are still in close proximity to their country of origin, etc. These differences are bound to have an influence on transnational activities, but they do not exclude the possibility of transnationalism. It is thus essential to examine whether and which kind of connections exist between refugees in the South and their country of origin as well as third countries, to reveal to what extent they are transnational actors. In this paper, attention will consequently be directed at individual cross-border linkages and experiences, based on interviews with refugees. The case study of Burmese refugees in Thailand will clearly demonstrate that refugees that are part of a mass influx in the South can engage extensively with their co-nationals in all the domains of the refugee diaspora. These transnational activities include sending remittances- which is usually the only matter looked into when studies have a primary focus on South-South connections- but also political, social and cultural transnational activities. It is thus argued here that transnationalism needs to be conceived in a more encompassing sense, not

only geographically, but also thematically, including economic, political, social and cultural links, in order to obtain a holistic vision of the phenomenon.

Regarding transnational political practices, several points will be disputed. First of all, while scholarly attention for refugee activists in situations of mass influx usually goes towards their level of militarisation ('refugee warriors') or the way conflict is spread due to the proliferation of arms, combatants and ideologies (e.g. Durieux 2000; Lischer 2000; Terry 2002; Salehyan and Gleditsch 2006), this study will make clear that there are many other ways in which these refugees can be transnationally active on a political level. In fact, those 'other', indirect, ways may be much more common, yet this phenomenon is only rarely looked into in cases of mass refugee influx. Moreover, this case will demonstrate that there are not necessarily connections between immigrant and homeland politics, in contrast to Adamson's position (2002: 155): "*The distinction that is commonly made between participation in a host state polity and practices directed towards transforming the home state is an artificial one*". While this may be true in cases where refugees are legally present, such as Convention refugees in the West, the case of Burmese refugees in Thailand will show that this finding cannot be generalised. As most are illegal or only have a temporary residence status, they are not a constituency to appease in Thailand. Therefore, I agree with Ostergaard-Nielsen's position (2001) that political transnational activities should not be reduced to a function of the political opportunity structures (POS) of a receiving country. I would add though, that their existence does not depend on POS in the country of origin either. In cases of home country dictatorships, there is very little room for political involvement in any case, let alone an interest in engaging the diaspora and institutionalising relationships, which is a popular subject in transnationalism research (e.g. Levitt 2001; Koser 2002; Torres 2006; Margheritis 2007). On the contrary, it is the lack of POS that is an incentive to remain politically active from a safe distance. Nonetheless, despite the absence of any fiat of either the home or host government, political transnational activities may exist, as the case of Burmese refugees will illustrate. Yet, the analysis will demonstrate that the *type* of (political

and other) transnational activities is influenced by the level of development and the policies of both countries. In the following sections, I present evidence to support these positions.

5.2.1 Transnational engagement in the context of the Thai-Burmese border region

Refugees rely on co-nationals for both practical and emotional support, as mentioned in the introduction of this chapter. Social bonds are also important for refugees because it enables them to share cultural practices and maintain familiar patterns of relationships, which makes them feel more 'at home' (Ager and Strang 2008: 178). Connections and networks between Burmese people exist both within Thailand and across the border with Burma and the wider world, which the following table, based on interviews, demonstrates.

Table 5: Family splitting technique

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	camp-Burma	29	19,0	20,1	20,1
	camp- Thailand	4	2,6	2,8	22,9
	camp- third country	4	2,6	2,8	25,7
	camp-Burma-Thai town	20	13,1	13,9	39,6
	camp-Burma-third country	8	5,2	5,6	45,1
	Thailand outside camp-Burma	46	30,1	31,9	77,1
	other	25	16,3	17,4	94,4
	none- whole family here	8	5,2	5,6	100,0
	Total	144	94,1	100,0	
Missing	99	9	5,9		
Total		153	100,0		

Answers given to the question 'Is your whole family here, or are there still members in other places in Thailand, Burma or a third country?', were categorised. The family-splitting technique is thus clearly a fact. These networks are intended to receive *but* also to provide support, to kin and friends in Thailand as well as in Burma: *"For many refugees, developing a self-reliant livelihood incorporates the responsibility to take care of relevant others in different locations. These networks of responsibility link refugees in camps to those in urban areas and in the home country; as well as linking regional refugees with members of the wider diaspora"* (Horst 2006a: 12). The discussion of economic transnationalism will clearly demonstrate this position.

The fact that these cross-border networks have been formed should not come as a surprise, given the presence of many conditions that encourage transnationalism (Lubkemann 2000b). The prolonged armed conflict and the conditions of pervasive insecurity in Burma have encouraged strategies of risk diversification, such as migrating abroad. Certainly Thailand is a popular destination which has historically promoted connections across the Thai-Burma border. Even if at several places the international boundary is only a river or mountain range, crossing the border provides protection and opportunities: "*The ethnic villagers might not have seen the borders when these were initially established between the states, but they have learned to see, and utilize, these today*" (Dean 2007: 197). In addition, more recently, refugees in Thailand have formed worldwide networks, which was only possible because of the greater access to technology, greater economic resources, and improved human capital acquired through training on Thai soil.

However, by no means all refugees are transnational. There are structural inequalities within refugee groups that influence whether someone will become transnational. All demographic variables, such as age, gender, religion and class have an impact. Next to these elements that can be found in cases worldwide, ethnicity is a particularly important factor in this case. As was mentioned in the previous chapter, the Karen are ethnically related to the Thai Karen and have always had close relationships, both due to century-old trading and market

patterns as well as political reasons. As a result, Karen refugees have a stronger transnational network to fall back upon than Burmese people from other ethnicities. Furthermore, apart from this differential historical relationship, there are also personal, social, religious and political frictions within the diaspora, which influence livelihoods and transnationalism (Al-Ali 2002; Banki 2006a).

On top of these features, personal skills and assets matter, as well as, again, preference. Some refugees may have the capacity but not the desire to become transnational. After all, the relationship between stayees, refugees in neighbouring countries and resettled refugees may not be good: "*There are many suspicions and prejudices between them, related to the fact that those who remain in their country feel betrayed by those who left, and those who left feel that the 'stayees' are guilty of the partiality in war time. There are numerous examples of the problematic relationship between refugees and stayees, which in many ways resembles the relationship between migrants and non-migrants in general*" (Horst 2006c: 211). Others are very much motivated to become transnational. Researchers have detected many motives: from a desire for transformation, contestation and political change, to nostalgia, prestige or status enhancement (ensure that 'there is a way back'), social pressure, pure altruism (care, guilt feeling), pure self-interest (wish to inherit, preserve control of certain assets) or economic motives (provide income insurance for each other, repay loans or investments) (De Haan 1999; Al-Ali and Koser 2002; Guarnizo 2003; Akuei 2004; Lindley 2008). These diverse motives also imply that transnationalism is not always liberating and empowering for the individual concerned (e.g. in case of family or group pressure).

In the following sections, the different types of economic, social, cultural and political transnationalism on the Thai-Burmese border will be discussed successively, with ethnic distinctions only being made where necessary. However, this does not imply that all the refugees are necessarily active in at least one of these transnational activities, as the discussion above has demonstrated. The goal is to examine the wide variety of transnational activities encountered in the field, but quantitative research based on a large representative sample will need to verify

whether the proportion of Burmese refugees that engage in transnational activities and have transnational identities is large enough to call them 'a transnational community'. Moreover, due to the focus on Tak province, a lot, though not all, of the transnational activities found are in between Karen people. As Hannerz (cited in Horst 2002: 2) notes, there is always a trade-off in transnational research between intensity and dispersion. Other research will need to verify whether the activities found are similar in other settings in Thailand, which preliminary contacts seem to confirm.

5.2.2 Economic transnational activities

Financial remittances are generally defined as: "*that portion of a migrant's earnings sent from the migration destination to the place of origin*" (Nyberg-Sorensen 2004: 4). Although remittances can also be sent in kind, the term 'remittances' usually refers to monetary transfers only. There is also some discussion on whether there needs to be an exchange of ownership to be able to use the term 'remittances'. Whereas Asian Development Bank states that migrants who personally bring back the money they have earned are not considered as remitting persons (ADB 2006:19), Nyberg- Sorensen (2004: 6) does consider these personal transfers as part of the overall remittances. In this study, the second view will be followed since it is money earned abroad with the purpose of sustaining family or friends' livelihoods, no matter how it has been transferred. It is important to study remittances as they are more stable than private capital flows and less volatile to changing economic cycles. The stability of remittances arises from the fact that senders are unlikely to be affected by the same shocks as recipients because they are in other parts of the country or region or overseas (Savage and Harvey 2007: 9). Remittances sent to developing countries in 2000 were estimated at over US$ 72 billion, which at that time already represented a large proportion of the world's financial flows, substantially more than global official development assistance (ODA) and more than half of foreign direct investment flows to these countries

(Gammeltoft 2002; Nyberg-Sorensen 2004: 3). In 2007, registered remittances rose to no less than US$ 240 billion, partly also because of the surfacing of informal remittances and because of the depreciation of the USD (de Haas et al. 2009: 25). But as many remittances are still transferred through informal channels, their actual amount and importance is even higher.

While sending remittances is not the original reason for refugees to leave their country, once they have found new venues for income generation, they often do start remitting, certainly if their family left behind asks for it: "*In trying to meet their responsibilities, refugees cannot help but to become economic actors, for they not only have to address their own livelihood needs, but also the needs of those they have left behind in the homeland. (…) Refugees therefore cannot help being economic migrants- a charge laid by many critics of immigration*" (Van Hear 2007: 5). Even though refugee migration is thus not undertaken to diversify a household's income, it may nevertheless have that effect (Lindley 2008: 6). The Burmese refugees in Thailand are no exception to this picture. Those who manage to establish contact with the family left behind and have a relatively stable- but necessarily legal- source of income, are frequently found to remit money[113]. The regularity of income thus influences the capacity of mutual help networks (Gonzalez De Rocha 2007), which explains why not all refugees who have established contact also send remittances.

> "*We only have enough money to support my husband's family. Whenever someone from his family comes to visit us, we try to give them some money to take back, so they can buy food with it. But now I can't work since I need to take care of the baby.*

[113]For more information on the several factors that generally influence remittance behaviour, check e.g. Nyberg-Sorensen (2004: 19) and Lindley (2006; 2007a; 2008). Lindley (2006:24) argues for example that not only the material parameters of the senders have an influence on remittance sending, but also the ones from the recipients: "*Migrant's income level, household composition in the UK, and the income, location, and security situation of the recipient, and whether they receive help from other family members, can also shape financial transfers*".

It's very hard. I would love to contact my friend who moved to Sweden. Maybe she can help me by sending some money"[114].

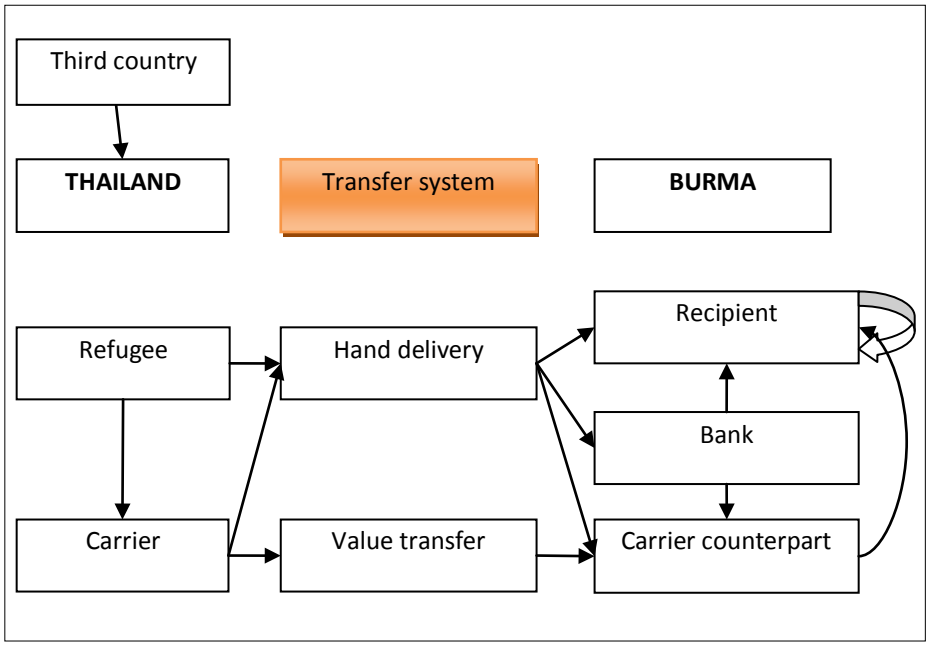
Another important variable are social expectations, since mostly unmarried self-settled refugees are expected to send remittances to their parents and to a lesser extent to siblings. By sending remittances, refugees have thus found a way to take care of their parents without being physically present, living up to the obligations of this collective culture (Lindley 2007b: 14). However, how the money is actually used remains uncertain. The remittance senders thought the money was used for consumption/survival and house needs, but they mentioned how they had little control over actual uses by family members. As Lindley (2006: 22) argues, this uncertainty does not really fit with the idea of 'the New Economics of Labour Migration' (NELM) that these financial transfers are a rational 'transnational household livelihood strategy'.

The remittance system has no special name. It is an informal system, as it is not under government control, operates outside formal banking systems and mainline money transfer businesses (at least from Thailand to Burma), and it arranges transfers between people who know or are related to each other (Hansen 2004; Blackwell and Seddon, cited in Pieke et al. 2005: 18). Informal systems are usually trust-based, effective, inexpensive, speedy and accessible (Maimbo 2004) [115].

[114] Interview with Burmese refugee. Mae Sot, November 23, 2006.

[115] For more information on informal remittance systems in other case studies, see Pieke et al. (2005) '*Synthesis study. A part of the report on informal remittance systems in Africa, Caribbean and Pacific (ACP) countries*'.

Figure 4: Remittance flows



Patterns of remittance sending are explained in the scheme above. In my sample, the bulk of the remittances were hand-carried into Burma, by family or friends. Both in-kind- transfers and hand carry of large amounts of remittances remain tricky though, due to the insecurity and the numerous checkpoints inside Burma. Other people therefore hired professionals, who are simply called 'carriers' or 'middlemen'. These can be based on either side of the border but are always of Burmese origin. Once inside Burma, the money can be transferred further by hand-carry, but a few people also mentioned transfer by bank in Myawaddy (Burmese border town), which is risky: "*It is dangerous because if somebody receives a lot of money, the government will try to find out why that is, so we have to be careful. If we use the banks, we can only send small amounts, that is ok, but large amounts draw attention*" (Interview with carrier, Mae Sot market, January 8, 2007). Another, safer, possibility is value transfer of remittances, without letting the money physically cross the border (*hundi system*). In that case, the collector in

Thailand calls his counterpart in Burma, often closely related family, who gives the amount due to the recipient. Once the remittances have arrived, it is possible that they are shared between extended family members, which explains the extra arrow of 'recipients' to 'recipients' in the scheme.

The benefits for the carriers are the profits from the exchange rate and a service fee, ranging from 5 to 10%, and occasionally as high as 20 %. This percentage can be paid by the sender or shared by sender and receiver (Mekong Migration Network and Asian Migrant Centre 2005: 122). The account between the collector and his counterpart is settled in goods or through near-monetary commodities such as gold, precious stones or (sometimes) contraband such as narcotics (Turnell et al. 2008: 8). While the hundi-system was also used by people in my sample, the majority of the remittances were hand-carried into Burma, which is very likely an effect of the closeness of Tak province to the border. In contrast, the large survey by Turnell et al. (2008: 13) found that the hundi system was used twice as often as any other method, as it is the quickest method for people located further away from the border. It is also supposedly safer, but even the hundi system can lead to deceit though, as real remittance companies are not yet established. Carriers tend to work independently from each other, which leads to an enormous fragmentation of the carrier market, and to an inadequate spread of information regarding the reputation of the different carriers, which seems to have resulted in abuses in the past: "*Why are you trying to find carriers? Do you need to transfer money? Do not go there, they will cheat you. Be careful!*"[116]. Alternatives to the informal remittance system are non- existent however, given the fact that the banking systems in Thailand and Burma are not compatible, and that sanctions and consumer boycotts have prevented Western Union or other money transfer agencies from establishing seats in the country.

Estimates on these informal transfers from Thailand to Burma vary greatly. Huguet and Punpuing (2005: 46) consider THB 5310 million per year (US$ 155.3 million as at January 12, 2009) a conservative estimate of remittances, while Turnell et al.

[116] Reaction of Burmese refugee on Mae Sot market, when my interpreter was cautiously sounding people out on where to find carriers. Mae Sot, January 8, 2007.

(2008: 11) suggest an amount of around US$ 300 million annually. However, these estimates need to be refined, as they are calculated by multiplying the average amount sent in the sample with the estimated number of Burmese people in Thailand (*bottom-up approach*, as recommended in Pieke et al. 2005: 13). Yet, the exact number of Burmese in Thailand is unknown, and I found that not everyone is able or expected to send money.

Refugees can of course also receive remittances themselves. Due to the resettlement of a limited number of refugees (mainly political activists) to third countries in the past, remittances are reaching family members in Thailand through bank accounts of Thai locals[117], for a small fee, or through fellow refugees with id cards:

> "*A refugee knew me from my work in camp, so he asked me if I could act as a middleman. His resettled family in Canada sent money to my bank account. I made the withdrawal, faxed the receipt to Canada and gave the refugee the money. So it does happen through the bank, but not necessarily through a specialised remittance agency*".
>
> (Interview with NGO staff member, Mae Sot, June 29, 2006)

The money can then be spent in Thailand or be transferred further into Burma. At the time of the field research, the number of refugee recipients was still limited though. But as the resettlement programmes are at full speed since the end of 2006 (totalling up to 55.000 by September 2008), I expect the importance of remittances for the livelihoods of the remaining refugees to rise substantially in the future.

Apart from financial remittances, there are other forms of transnational economic activities (Nyberg-Sorensen 2004: 29), of which community aid (discussed in the next section, as the social goal is more important than profit-making) and business investments are of importance in South-South connections. Transnational economic entrepreneurs invest in businesses in the homeland (Guarnizo 2003) or in

[117] Interview with son of phone shop owner, Nu Poh camp, November 26, 2007.

cross-border businesses, as they have the benefit of knowledge of both economies and societies along the border. In the course of my research, I met with money changers and remittance carriers, but also for example with farmers, growing corn and chillies on their fields inside Burma but selling the harvest to large buyers in Thailand. In addition, some people crossed every day to sell and buy products, as the century-old five-day market system includes villages on both sides of the border (see also Dean 2007: 193). I also found anecdotal evidence of cross-border businesses in weaving wool, fabric, teak wood, medicine, wild animals (tigers, elephants, monkeys)[118], drugs, human trafficking, etc. However, large-scale cross-border businesses are in the hands of Thai, rebel- and junta-related businessmen, as the refugees' illegal or camp status prevents them from engaging officially in economic trade. Furthermore, none of my respondents was currently investing in businesses in the homeland, as the war and poor economy in Burma unsurprisingly discourage investments, and also because they tend to be too poor to invest.

Financial remittances and investments are only one part of broader networks of engagement and solidarity between refugees and their homes though. The next section will discuss the exchange of skills and knowledge, community engagement and cultural transnationalism.

5.2.3 Socio-cultural transnational engagement

Individual social remittances

> *"We can see the importance of global communications technologies in maintaining connections across space, but they also play an important role in maintaining (or changing, ed.) identities and community through film distribution, home videos, letters, phone calls, religious and human rights resources, both written and audiovisual".*

[118] Interview with NGO staff member, Mae Sot, November 29, 2006. See also Taramon and Lawi Went (2008).

(Hyndman and Walton-Roberts 1998: 22)

Refugees change due to life in exile and in turn can affect changes in their country of origin. Levitt (1998: 930) argues that the degree to which migrants/refugees' interpretative frame is altered depends on the amount of contact they have with the host population. She insists that more contact will result into greater exposure to the different features of the host society, more reflection on existing practices and therefore greater potential for incorporating new routines. While this is correct, I would argue that living in exile can influence and change refugees' minds due to various factors, not just contact with the host population. While camp refugees have less contact with the host population than self-settled refugees, they are exposed to several factors which together largely increase the likelihood of changing camp refugees' interpretative frame[119]:

1) the presence of numerous UN agencies and international NGOs in the refugee camps,

2) the schooling and training offered in camp (e.g. ICT), or sometimes through internships outside camp

3) the increased exposure to global discourses on e.g. human rights and women rights,

4) the concentration of different ethnic groups in small closed spaces

and 5) the increased emphasis on refugee identity and Karen identity.

These factors are likely to affect camp refugees more strongly in the construction of their own identities and ideas of the world and of their place in it, than contact with Thai local people will. Both camp refugees and self-settled refugees are also affected by the easier access in Thailand to global flows of images, ideas and news (political and other, such as the English football league which is very popular)[120].

[119] I would like to thank Marc Vanderstouwe for bringing this point to my attention.

[120] A lot has been written on this subject by Sandra Dudley, who investigates for example the influence of global images on the Karenni in the camps, and how the consumption of these modern elements stands in stark contrast with the marginality they encounter as refugees in Thailand (Dudley 2002). A related aspect of her research is how a self-determination movement's ideology, objectives and

These flows influence in particular the youth: "*As more objects, images and knowledge are consumed, so more is desired, and so grows the realization of being a part of a wider community. Becoming refugees and coming to the camps has hastened and intensified this process for all, but perhaps particularly for young people*" (Dudley 2002: 171).

For the self-settled refugees who do not speak the local language, meaningful contact with the host population is minimal, which ensures that they are 'recipient observers': "*They did not actively explore their new world because the structure of their lives did not bring them close enough to it. Instead, they took in new ideas and practices by observing the world around them, listening to how others described it, or learning about it by reading the newspaper or watching television*" (Levitt 1998: 931). People who are better integrated can either be instrumental adapters (re-adjust reference frames for pragmatic reasons) or purposeful innovators (creatively combine several aspects).

These new ideas and points of view can then be transferred to others. By keeping contact with their family members left behind, migrants and refugees are potent agents of change. Through letters, emails, blogs, phone, fax or holiday visits, they exchange ideas, practices and emotions- a phenomenon called '*social remittances*' (Levitt 1998). They can transfer new values and beliefs, such as norms for interpersonal behaviour, standards of age and gender appropriateness, norms about the role of clergy and politicians etc. This exchange has the potential to influence social hierarchies and fixed mindsets in the home community, thus transnational activities on a household level can have political consequences. For example, the increased responsibility of refugee women in Thailand due to access to remunerated labour and the gender awareness raising activities in the Thai refugee camps can lead to a transfer of these ideas to family members at home, and as such to a growing concern for female participation in domestic decisions and political matters in Burma. In general, it is unpredictable whether social remittances will have a positive or a negative effect: "*There is nothing to guarantee*

resources are influenced by economic, political and social connections between its people, the diaspora and the wider world, but also by cultural links (Dudley 2002).

that what is learned in the host society is constructive or that it will have a positive effect on communities of origin. Factors increasing social remittance effect are 'ethics blind'" (Levitt 1998: 44). Moreover, not all elements of the life in exile will be transferred home (e.g. negative experiences tend to be kept silent about), nor will receivers adopt all elements; both senders and receivers employ filters.

Next to ideas and norms, practices can be transferred as well, such as the new sewing, weaving and construction techniques that the Burmese learned in Thailand. If they travel home for a visit or return more permanently in the future, they can transfer these skills to their kin. Theoretically, refugees can also spread new fashions from Thailand when travelling home, such as western clothing. However, people tend to change and dress in traditional Burmese clothing if they temporarily return[121]. The reason for this is that they are both afraid of their kin's reaction, as the Burmese culture is quite conservative (on women's clothing in particular), and of the authorities. The latter are more likely to be suspicious of people dressed in western clothing because it shows that the person has been living outside Burma for a while, and could thus have had contact with activists or carry remittances that can be skimmed off. Therefore, there is apparently no spread of Thai (clothing) fashion.

Most refugees do not travel home though, but simply try to track their family down and establish contact, which for the Burmese is already a difficult prerequisite for social remittances. The reason is the lack of communication facilities inside Burma, certainly in active conflict areas, and in several of the Thai refugee camps:

> *" I would love to contact my family, but we have a large communication problem here. There are no phones in the camp. We can phone in the Thai villages nearby, but then we can be arrested by the police. And the Thai vendor knows we don't have another choice than his shop, so it is very expensive. He doesn't even let us receive calls anymore."* [122]

[121] Email communication with Stephen Hull, KHRG, February 19, 2009.
[122] Interview with Karen refugee, Mae Ra Ma Luang camp, January 22, 2007.

For the ones who do manage to track family down, contact is primarily based on oral messages or phone calls. Another conceivable way of contacting, sending letters, is less frequently used than expected, because letters are considered potentially dangerous for recipients[123] and secondly, because of the lack of an efficient posting system in Burma, which ensures that they are already out-of-date on arrival. The refugee elite on the other hand also has access to the internet, but this is only used for contact with kin and friends in the wider diaspora, as internet use is very limited inside Burma. On internet sites and blogs (e.g. Burmanet, Burma Bloggers Network, Irrawaddy etc.), publications are assembled, information (and rumours) are exchanged, and (political) discussions are held, constituting what Horst calls 'transnational dialogues': "*Far from being 'virtual', computer- mediated communication is yet another means of social contact between people at a distance from each other. It enables the direct involvement of members of a diaspora in each other's lives*"(Horst 2006b: 53). Next to communication over the internet, there have also been formal attempts to develop more face-to-face contacts between Thai-based refugees and the wider diaspora. On 25 January 1999 for example, a 'Seminar on Karen National Unity' was organised (Sang Kook 2001: 91). Obviously, these kinds of seminars have as much a political as a social purpose.

Community engagement

Case studies on relatively large groups of migrants often point to their engagement in development projects. Migrants can set up specific development projects in their home community or they support local initiatives financially, by sending collective remittances: "*This collective endeavour (...) is motivated not by personal familial obligations alone, but rather by a combination of socio-cultural and political factors, including migrants' identity and sense of solidarity with their place of origin (local nationalism or regionalism), reciprocity with the homeland, and often an eagerness to gain status and recognition in the place of origin*" (Guarnizo 2003:

[123] Refugees can be seen by the junta as Karen rebel- sympathizers and thus traitors. Therefore refugees are afraid that a letter coming from inside camp would jeopardise their family (all post is opened in Burma).

677). This social engagement can be orchestrated in a very informal manner, by donating on an ad hoc basis if a refugee travels home for a visit. But so-called 'home associations'[124] and 'diaspora associations' exist as well, in which formal links between the hometown/region/country and the diaspora movement are acknowledged.

Burmese refugees have not established formal home associations, as their troubled relationship with the Burmese junta and their illegal status inside Thailand severely restrict this possibility. However, there are multiple forms of community engagement, which tend to be organised along ethnic lines. In Tak province, the Karen transnational network is the strongest one. Karen Youth Organisation for example collects money (from foreign donors and NGOs but also from refugees) for activities inside Thailand, as well as for the building of churches and schools inside Burma. One of the strategies used is the selling of ceremonial calendars to refugees (THB 50 per calendar), to evoke loyalty of the ethnic group and to maintain an emotional homeland connection (Ostergaard-Nielsen 2002: 193). The downside of collective remittances is that people in this collective culture feel a great obligation to donate, which led a villager to say: "*In the whole village there are about 300 households…Well no, actually there are more households but we put only 300 on the list because we get so many demands for donations to camp and Burma and not everybody can pay this money every time. So we have to lie*"[125]. In times of crises, collections usually increase. After the passing of the tsunami in December 2004 and of cyclone Nargis in May 2007 for example, support networks were set up by Mon, Karen and Burman refugees in Thailand and by the wider diaspora to help the affected people (see also Naik et al. 2007: 50-51; Jordt 2008). This finding confirms Guarnizo et al.'s point (2003: 1238) that transnationalism is

[124] While transnationalism scholars usually talk about 'Home *Town* Associations' (HTAs), I agree with Mercer et al.'s point (2009) that the 'home' place where an association refers to might as well be a district, province or entire country. Therefore 'home association' is deemed a more appropriate term-even if not unproblematic either since it is debatable what 'home' is for e.g. Burmese refugees who grew up in Thailand but follow their parents in being transnationally active.
For further information on processes influencing home town associations, see: Waldinger, R., et al. (2008) 'Conflict and contestation in the cross-border community: hometown associations reassessed', or Mercer et al. (2009) 'Unsettling connections: transnational networks, development and African home associations'.

[125] Interview with a Karen refugee in a rural village around Mae Sot, November 25, 2006.

sensitive to changing contextual conditions. A small core group stays strongly involved in the home country, while a much larger rim of people only become active at special junctures such as highly contested elections or natural disasters.

Of course, the social transnational activities are not limited to financial donations. A diaspora can plea to the host government to allow new refugees in, like the Action Network for Migrants did after the passing of Nargis (Slip 2008). Furthermore, diaspora CBOs give training in a large diversity of subjects, such as health and outreach work, midwifery, education, community leadership, journalism, photography, ICT, environmental issues etc. These trainings are accessible for people on both sides of the border. During many of these courses, participants are also taught about the human rights discourse and how to document human rights abuses. This has led to an encompassing approach of all Burmese ethnic minority issues, both in the diaspora and inside the country, in terms of human rights.

A different form of community engagement is the cross-border humanitarian assistance to the displaced people inside eastern Burma. As direct humanitarian aid from inside the country is severely restricted because the junta blocks access to the active conflict zones, these people are dependent on cross-border relief aid, which in Karen State is delivered by Karen diaspora CBOs[126]: "*Self-interest aside, many of these organizations feel that they are well-positioned to provide such aid because of their experience carrying out other cross-border activities, their sensitivity to Burmese cultural practices, and their ability to work directly with local populations rather than through the SPDC"* (Maclean 2004: 342). In the IDP camps, Karen Organisation for Relief and Development (KORD) and Committee for Internally Displaced Karen People (CIDKP) provide food aid, shelter and health care, while Karen Teacher Working Group (KTWG) provides education[127]. In-kind transfers such as clothes, books and school materials also occur. IDPs in dispersed hiding sites are supported as well, through primary health care (Backpack doctors attached to

[126] Similarly, the Shan Relief and Development Committee has organised support to IDPs in Shan State (Fink 2008: 458).
[127] Interview with Gilbert, Head of KORD, Mae Sariang, July 5, 2006.

Karen-run Mae Tao clinic) and cash transfers; these cash transfers are considered a flexible way to prop up livelihoods and 'jungle markets', which came into existence due to enforced restrictions on mobility. The impact of this kind of community engagement is thus very real, and can only be accomplished because diaspora CBOs align with international NGOs and donors, who were lobbied at different levels, making this life-saving cross-border assistance a transnational matter. Even this kind of diaspora engagement is deemed illegal by the Burmese junta though and only tacitly approved by the RTG[128], thus it is surrounded by secrecy and danger.

Cultural transnationalism

Within Thailand, diaspora organisations organise cultural activities to maintain the link with their home country and to keep in touch with each other (social event function). Even if these cultural activities take place within the host country, many have a home country focus, which is why they are nonetheless seen as transnational activities (Al-Ali et al. 2001: 625). Burmese art expositions regularly occur (e.g. in the Borderline shop in Mae Sot) and so do sports competitions, which are still similar to Burma with a focus on cane ball, boxing and soccer. Also traditional festivals, national holidays and ceremonies with music and dancing are still celebrated, both inside and outside camp. These rituals enable the refugees to recover a past, and imagine a future if and when they return. Dudley (2000) describes for example the celebration of the Dyi-kuw (literally: sticky rice) festival in a Karenni camp, which serves to anticipate a good rice harvest, despite the fact that refugees do not have land nor permission to grow paddy in Thailand. The tradition is thus kept alive in spite of the changed circumstances. Moreover, various elements that traditionally were part of the festival could not be performed because no one had the knowledge to set them up, such as the chicken bone divination or a bamboo rocket launch. Still, even if certain elements may change

[128] Fink (2008: 459-460) argues that the reason why the RTG allows these activities to continue, as long as they are not publicized, is that they see them as preventing more people from crossing into Thailand as refugees.

due to (prolonged) exile, celebrating these festivals helps to maintain group boundaries and cultural identity (Bulcha 1988: 205), and provides some sense of continuity with the past. Other rituals are on the verge of political and cultural transnationalism. For example, an A-Nyeint performance was organised at a Burmese temple in Mae Sot to celebrate the full moon, but at the same time the performance was full of political satire, particularly criticising the 2008 referendum and proposed 2010 elections in Burma. This kind of event is very popular (thousands of people attended the ceremony) but not tolerated in Burma[129].

A more economic spin-off of the refugees' presence is their need for Burmese consumer items (e.g. betelnut, cheroots, Burmese slippers, tanaka, etc.), which generates specific businesses. Because these items re-focus the attention on their descent, Landolt et al. (1999: 298) see them as cultural enterprises promoting national identity, while being in the economic field.

An activity that is at once social, cultural, economic and political, is providing the world with information on what is happening in the country, as the junta- run newspapers are notoriously unreliable. Ventures that produce mass media such as news papers, magazines and radio, can be a form of economic transnationalism if they make a living out of it (which is not often the case on this border), but they are also cultural as people's attention is re-focused on Burma. Moreover, it is a social practice, as there is a genuine need to inform people about the problems encountered both inside the country and in host countries. But lastly, this information control also has a far-reaching political effect, which is why it is one of the themes discussed in the next section.

5.2.4 Political transnational engagement

Political transnational engagement can occur in various ways. The home country can be targeted in a 'direct' way, by supporting rebel movements, but it is also

[129] Email communication with CBO staff member in Mae Sot, October 28, 2008.

possible to try influencing the country of origin in an indirect way, by turning attention to the political institutions of host countries and (supra)regional bodies (Ostergaard-Nielsen 2002). Both types will be discussed as they are utilised in the Burmese diaspora, but the indirect activities to confront the power holders are certainly more widespread.

Direct political transnationalism

The junta and its allies are actively fought against by insurgents, such as the armies of the KNU and the KNPP. Similar to other conflict situations, the struggle is funded by illegal activities (smuggling) across the border, voluntary donations and forced taxes.

While the large majority of the refugees are not involved in the rebellion itself, they may play a role in it by providing moral support and physical support in the form of money, information and safe refuge for the soldiers involved (Terry 2002; Collinson 2003; Ballentine and Sherman 2003). A diaspora movement can indeed be a crucial factor in the establishment and the maintenance of an armed resistance movement, as is (was) the case for the Tamil (Van Hear 2002: 220) and the Ethiopian, Somali and Darfur rebellion (Horst 2007). In this case however, the rebel movements were much stronger in the past, before there was a sizeable diaspora, and it is not clear to what extent the current diaspora contributes to the military struggle. Also the level of practical support to political opposition groups inside the country is difficult to appraise but seems very limited.

Direct confrontation can also occur through military tactics. Although many activists inside and outside the country are involved in underground activities, most of them refrain from violent measures, whatever the junta may claim. Occasionally bombs do explode in the larger cities in Burma. The responsibility for these bombings are sometimes claimed by a group called 'the Vigorous Burmese Student Warriors' (VBSW), but it is unclear where these are based and who supports them; there are even rumours that they have not been active since the '99 embassy raid

(see infra) but have been re-invented by the junta (Phanida 2008), to create a permanent enemy. There is no evidence of any diaspora involvement in these bombings.

Indirect political transnationalism

> "*The cause of Burmese democracy flutters consistently on the margins of high- level attention, with dedicated albums of U2 and R.E.M., PM Tony Blair personally lending his name to a boycott of tourism in Burma, and US Secretary Condoleezza Rice styling the country as an 'outpost of tyranny'*".
>
> (Thant Myint U, quoted in South 2008: 112)

As there is no freedom of speech or political organisation inside Burma, the safest possibility to reveal the abuses and human rights violations inside the country is to flee. This is the largest visible contribution of the diaspora: providing information and keeping the issue on the international agenda. Burmese activists are based all over the world. To name but a few: Open Society Institute-Burma Project (USA), Altsean (Thailand), Burma Campaign UK, Euro-Burma Office (Belgium), Christian Solidarity Worldwide etc. But the bulk of the information is assembled by diaspora organisations such as Burma Issues, Karen Human Rights Group (KHRG), Shan Human Rights Foundation and Irrawaddy, based in Thailand, close to the border or further inland in Chiang Mai and Bangkok. This is not surprising as Thailand is host to the largest Burmese community in exile, with easier access to inside information. Once they have crossed the border into Thailand, Burmese activists are outside the coercive and juridical powers of the homeland, which supposedly makes speaking out on the abuses and needs easier: "*Political diaspora movements are a repositioning of the politics of the homeland to the territories of host countries where more political space exists for oppositional politics in the hope of opening up or even transforming homeland political systems*" (Smith in: Al-Ali and Koser 2002: xiv). However, in contrast to Smith's position, there is no guarantee that the host

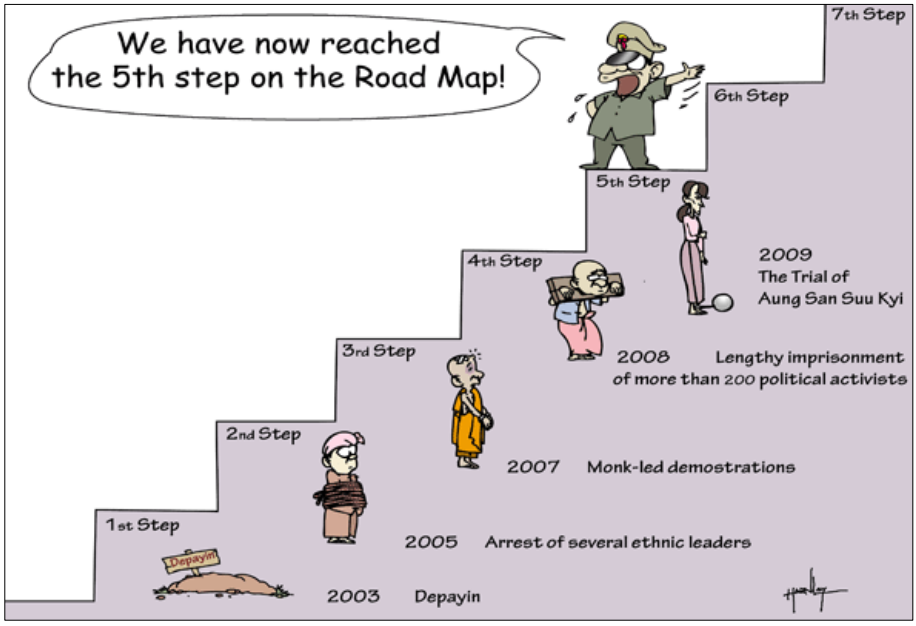
country will officially allow political activities, which may affect its bilateral relations. In Thailand, Burmese activists face a difficult choice. They can receive protection in the refugee camps, but these are located in remote areas, whereas in cities from where international political activism is possible, they are put on equal foot as illegal migrants and run the risk of arrest and deportation:

> "*I was already involved in the students organisation, but I only became a political activist here in Thailand. We give human rights and environmental trainings, do research and spread information on the problematic situation of the Pa-O. My base was in Chiang Mai, but about a year ago I came to Nu Poh camp. I want to continue my education in the USA, so I can help my people better. I am tired of the deportations and too afraid to go back to Burma. All members of political organisations fear those things here*".
>
> (Interview with Pa-o refugee in Nu Po camp, November 27, 2007)

While political activism may initially lead to refugee recognition, for the RTG a refugee status and political transnational activities are not compatible, thus the relationship between a legal status as a refugee (which is supposed to lead to more freedoms) and political advocacy is not necessarily positive. Regardless of this lack of open political space, the political diaspora is very active in Thailand.

The political entrepreneurs challenge the junta's discourse and legitimacy in various ways: through opposition music, cartoons, comedy, reports, etc. (Brooten 2003: 231-233).

Challenging the junta's 7-point Road Map to Democracy



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Numerous articles highlight the human rights abuses committed inside the country, which are published on the Worldwide Web in a matter of a few days or even hours after the events (as seen during the 2007 'Saffron uprising'). Information networks between activists in Burma and in the diaspora are thus well established. The internet has as such created a new dimension to political activism in a situation of heavily controlled traditional media inside the country (Chodhury 2008). Of course, the information provided in these articles and on websites often has a dual purpose, such as legitimising certain forms of opposition in the target state, in casu the rebellion/freedom fighting and the Western sanctions. Whether or not the support for this battle and the lobbying for sanctions contributes to a prolonging of the conflict is subject for another discussion. The point is that many of these organisations have a clear goal, which is legitimate but does not always lead to objectivity: "*Those investigating forced migration in Burma generally hold strong views regarding the promotion of socio-political change in the country. These agendas have determined (…) the reality 'uncovered' by research*" (South 2007a: 4).

For example, because of the close connections between several of the reporting groups and the rebels, very little is said about the abuses committed by the rebels themselves. The exiled media also acknowledge this as a difficulty:

> "*In general I think that there should be some criticism, but it's very difficult for us to criticize the (opposition, ed.) movement. (...) Thing is that we have to rely on the opposition sources. And Burmese opposition is not ready to be criticized. (...) It's a dilemma to criticize the movement when the SPDC is so much worse. Change will come but slowly. It's the system, the practice, for the especially ethnic resistance, they have conducted an armed struggle for the last 50 years. They also have a very authoritarian structure, rather than a democratic structure. They have some election system, but in the daily management there is really an authoritarian structure. (...) So it will be very difficult for the media. Most of the people (...) have been under military dictatorship for more than forty years, so many people have no experience in democratic environment and free media*".
>
> (exiled journalist, quoted in Strand 2002: 55)

Despite these shortcomings and limitations, the diaspora is a key source of information on what is happening in Burma thus they are central to our understanding of Burmese politics (Maclean 2004: 327).[130]

Using these numerous accounts and reports, lobbyists try to simultaneously create pressures from below and from above (Adamson 2002). High-level advocacy occurs both in host countries and with supranational bodies to raise international awareness, thereby hoping to increase pressure for change. Within Thailand, the National Coalition Government of the Union of Burma (NCGUB), the National Coalition of the Union of Burma (NCUB) and Alternative Asean Network on Burma are the most powerful players of the Burma-lobby. While the NCGUB has its main

[130] Therefore, in addition to the interviews, I have followed up on what is written on various diaspora websites, using the internet as an additional site for data collection of this widely spread and mobile community, as recommended by Horst (2006c: 213).

seat in the USA, they are also active in Thailand, where they distribute reports on their political vision and organise conferences. But it is clear that the lobbying and networking is on- going on a global scale, and that the Thai government is not the most important body in the lobbying strategy. After all, Thailand and other countries in the region have strong (economic) ties with the junta and are often not exactly models of democracy either. Therefore, they are not very responsive to the plight of Burmese activists. At the regional level, the ASEAN Inter-Parliamentary Myanmar Caucus is the most important body for advocacy efforts. This association regularly discusses the situation in Burma and is more responsive to the issue than ASEAN itself, given the latter's 'non-interference in internal matters'. Regardless of their work though, little has changed in ASEAN members' attitude through-out the last decade. The lobbying has often been more successful in countries in the West and with supranational actors, such as the United Nations and the International Confederation of Free Trade Unions. In the West, activists take part in seminars and panel discussions (*institutional participation*), and they try to find spokespersons in political parties, such as Senator Mitch McConnell in the USA or MEP Glenys Kinnock in the European parliament. Even in areas without sizeable Burmese populations has the Burmese cause received attention of lawmakers. The state of Massachusetts for example has passed a bill in order to impose sanctions on companies investing in Burma. Danitz and Strobel (quoted in Dudley 2003: 21) attribute this kind of success to the internet: "*It illustrates how the internet can be used to create geographically dispersed networks for non-violent action, even when there is no locally concentrated constituency*".

Working within host country institutions, which is an often used strategy of diasporas (Ostergaard-Nielsen 2002), is a tactic which does not yet occur in this case. Within Thailand, Burmese activists are illegal and thus not able to vote or to work their way into government institutions. In other host countries on the other hand, Burmese refugees are not numerous enough to be a domestic political factor. They might become so on a local level though, if current levels of

resettlement are guided towards particular localities in the resettlement countries[131].

Other groups feel that formal channels do not allow enough space, and turn to contentious politics instead: strategies to confront and challenge the elite, such as mass demonstrations, civil disobedience and political violence (Adamson 2002). The opportunities for contentious politics are very limited inside Burma because of extensive junta control and the fear of massive use of force if necessary. Civil disobedience does occur locally, but is not always very visible (see e.g. KHRG 2008). Because of the restrictions, contentious political activities are increasingly transnational, such as the protests in front of Burmese embassies all over the world, or the large-scale petitions for the release of political prisoners. Also in Thailand there are protests. For example, large numbers of Burmese people in Mae Sot demonstrated their support to the Saffron uprising in September 2007. They walked in a silent march to the official border crossing and burned candles, while making sure not to cause any trouble that would trigger Thai police interventions (as most are illegal). At a more institutionalised level, confrontational politics have been taken up to the point of the formation of a government-in-exile, the NCGUB. However, due to internal disagreements within the political diaspora, another forum, the NCUB, announced in January 2009 that they would start their own government-in-exile, making it even less clear who speaks for which group of people (DVB 2009). This event is a contemporary height of strong tensions and fault lines within the opposition, with numerous personal vendettas and political issues surrounding the formation of each group that are impossible to untangle:

> "*The proliferation of too many political parties and organizations has become a trend in recent decades, not only inside the country but in the exiled community as well, often weakening the overall movement. Many groups are simply names, with no worthwhile activities. In the activist community, there's a joke that if two Burmese people meet,*

[131] There is indeed already a growing visibility of the Karen situation in particular, due to the formation of Karen organisations in the USA by resettled refugees, which may in time lead to more political attention for this refugee group.

> *they will form three groups. First, each person forms his own group and then they both form a coalition group. It's a joke, but it captures a shameful truth. The pro-democracy movement lacks the discipline for unity and power*" (Kyaw Zaw Moe 2008).

In addition to these peaceful contentious politics, there have been violent actions on Thai soil by small groups called the Vigorous Burmese Students Warriors (VBSW) and God's Army. When the VBSW held 89 people hostage in the Burmese embassy in Bangkok in 1999, their goal was to demand the release of all political prisoners in Burma. The Thai government reacted calmly and provided them with a safe passage out of the country (BBC 1999). This safe exit severely angered the Burmese junta. It caused a major bilateral crisis and the border was closed for months. In contrast, when God's Army, an armed opposition splinter group, seized a Thai hospital in Ratchaburi in January 2000 to stop the Thai shelling of their area, Thailand responded with force, by invading the hospital and killing all the gunmen (Brooten 2003: 317-322). That event raised Thai public and government concerns about homeland security threats posed by the Burmese activists and insurgents on Thai soil. Furthermore, with the coming into office of Prime Minister Shinawatra in 2001, the Thai foreign policy became increasingly economically oriented, and given the extensive natural resources of its neighbour, the Thai government wanted to revive the relations with Rangoon. Consequently, there was a crack-down on all Burmese activists in Thailand. All registered urban refugees, including many activists, were ordered to move to the refugee camps, ending all protection outside the camps. The reason for this pressure was that no visible activism is possible inside the remote camps, and there would thus be less fear of embarrassment of the Thai government. In addition, offices of diaspora organisations working on democracy or human rights were monitored and raided: "*Increasing numbers of Burmese are being arrested on immigration charges following peaceful actions such as labour strikes, protests, hunger fasts, overseas speaking tours, and other political activities*" (HRW 2004: 31-32). This was very difficult to protest against officially

due to the illegal status of many of these organisations and their members. In practice though, there is constant negotiation (and bribery) at the local level.

Thailand has in fact a dubious role in the Burmese political environment. While they are in favour of good relations with the junta now, they in the past supported the Karen rebellion. The KNU has acted as a buffer against the communist parties in Thailand and Burma, and in return the KNU got easier access to Thailand (Lang 2002: 137-154). This active support diminished at the end of the 1980s though, when the communist party of Thailand imploded, and even more so after 1995, when the tatmadaw gained control over the largest part of the border area and peace became more profitable for economic reasons. Still, even through-out the 1990s, relations were still very close and intelligence information continued to be shared between the Thai military and the KNU. However, this situation has suddenly changed in 2009, at least publicly. As the KNU has consistently lost strength the last decade due to internal splits and loss of territory, they became less relevant to Thailand. Therefore, senior military leaders of the KNU were pressured to leave the Thai territory by February 25 (Irrawaddy 2009; CCSDPT February 25, 2009, internal document). It remains to be seen whether this will really be followed up at the local level and what impact this will have on transnational activities. What is clear, is that diaspora activities are shaped and mediated by host state institutions (including the army) and government priorities, and in this case the Burma lobby was weakened due to the change in government and the political violence of splinter groups.

5.2.5 Concluding remarks: Refugees in the South as transnational actors

Research by Engbersen et al. (2007) in Europe has found that refugees were active in all types of transnationalism except professional economic activities. This case study has demonstrated that the same is true for refugees in situations of mass influx in the South: they can certainly be transnational actors, in many domains

which include but are not limited to remittances. Moreover, in contrast with Al-Ali et al. (2001) and Guarnizo et al. (2003), this research shows that forced migrants can be transnational actors even in the absence of durable integration or stability, or a decision not to return to their country of origin. Burmese refugees' home country is not yet in a post-conflict state, and their capabilities are severely hampered in principle: no secure legal status, no freedom of movement etc. Both their capacity *and* desire (Al-Ali et al. 2001: 627-631) are thus supposedly strained on the economic, political and social level. However, many Burmese people are motivated to support their family, community and/or country, and therefore they do find creative ways to be transnationally active. This case study has demonstrated that refugees in situations of mass influx in the South can be engaged in economic, social, cultural and political transnational activities, regardless of the strains on their capabilities. What is more, these activities instigated by refugees can even be regular and require constant personal involvement, as is the case for the Burmese collective social and political transnationalism; both of these factors are considered as a good basis to describe an activity as a form of 'narrow (or strong, ed.) transnationalism' (Itzigsohn et al. 1999: 323). In addition, while my argument is that a secure legal status in the host country is not a precondition for transnationalism, Banki's research among Burmese refugees in Japan (2006a) has found that getting a legal status may actually *diminish* transnationalism, if political activism was only seen as a means to get that status or if that status leads to jealousy and rejection by non-recognised co-nationals in the network. A legal status is thus not a decisive variable in the existence of transnationalism, but it does have an influence on the level of formality of transnationalism.

While refugees are frequently seen as passive victims, this study found that many are transnationally active on an economic level. In contrast to many previous studies (Dick 2002; Horst 2002, 2008; Wu 2006; Suleri and Savage in Savage and Harvey 2007; Lindley 2007a), questions on remittances were incorporated in *all* livelihoods interviews, instead of selecting on the dependent variable, namely

remittance recipients. Only that way can the importance of remittances for a certain population be verified. It was revealed that there were much more remittance *senders* in this case than recipients (28.7% in contrast to 11.9% recipients), next to a large amount of refugees who were not involved in remittances patterns at all. While this balance may in time be affected due to the current resettlement programme, it demonstrates that the influence of remittances on refugees' livelihoods should not be overstated, or in fact, that it may be more common that remittances are important for refugee livelihoods *in the negative sense*, because refugees are responsible for (and thus burdened with) the livelihoods of kin who are not currently with them. In this case, certainly unmarried self-settled refugees often needed to share their wages with family members in Thailand and/or Burma. Such a family-splitting technique is used to diversify income and is developed as an adaptation strategy to both past and present vulnerability, which is a finding that is in agreement with previous research of e.g. McDowell and De Haan (1997), Fog Olwig and Nyberg-Sorensen (2002) and Horst (2006a). Investment in cross-border businesses or businesses in the homeland is not widespread though, which also confirms findings in other cases of forced migration and protracted conflict (Lindley 2007a; Engbersen et al. 2007).

Furthermore, also on a collective level, refugees may feel responsible for others. As international organisations cannot reach the Karen IDP populations, small groups of refugees have organised themselves in (politically- connected) CBOs to provide much-needed health care and goods. These and the other types of community engagement found demonstrate that refugees may organise support to communities across the border, despite their own precarious position in Thailand. In addition, this case confirms previous findings that a small core group remains transnationally active throughout the year, while a much larger group only does so at special junctures, such as a natural disaster.

Political activities are likewise reserved for a small minority of the refugees. While scholarly attention for refugee activists in situations of mass influx usually goes to refugee warriors, this study makes clear that non-violent political transnationalism

may be the more common variant. Through indirect political transnational activities, Burmese refugees try to influence the public opinion and politicians worldwide, with varying success. POS in host or home government are thus not essential for political transnationalism. Even if there are many fault lines in the opposition within the country and in the diaspora, the importance of the diaspora to work towards regime change should not be taken lightly, neither should their influence in case there ever should occur a regime change.

Refugees' agency should thus not be underestimated, but it should simultaneously be acknowledged that transnational activities are by no means 'un-touched' by nation-states. Nation-states have the power to shape migration and transnational practices (Al-Ali and Koser 2002), and in this case both the country of origin and the host country exert influence over the type of transnationalism. The authoritarian regime in Burma and the ongoing civil war have an effect on transnational activities. Formalised links of the diaspora with the Burmese junta are neither possible nor desired, and professional economic activities are not widespread due to the disastrous economic and/or war situation in the home areas of the refugees, as well as the lack of a legal status of the refugees. Individual economic and social remittances are hampered by the lack of proper telecommunication and banking systems in the country of origin, while community engagement is clandestine since disapproved by the junta. The host country on the other hand has proven quite influential for the form of political transnationalism, due to its crackdown on (illegal) activist urban refugees and diaspora organisations, and lately on rebel organisations, pushing them increasingly underground. Moreover, Burmese refugees' status impedes their participation in Thai political parties and they do not receive any positive political attention in Thailand, thus there are no links between immigrant and homeland politics, in contrast with cases where immigrants are legally present or even constitute a constituency (e.g. Kurds and Turks in Germany (Ostergaard-Nielsen 2001, 2002)). Organisations seeking to improve the conditions for the Burmese in Thailand are working completely separately from organisations that are directed towards homeland politics, partly because Thailand is officially

against transnational activism on its soil. It would thus be counterproductive for the organisations focused on better (economic) integration in Thailand to lobby simultaneously for change in Burma. Both the policies and the level of development of the country of origin and the host country are thus important in influencing the kind of transnational activities undertaken, and as such the impact of these activities. This finding also implies that policy interventions in either the home or host country have the ability to enhance transnationalism (Al-Ali et al. 2001: 626)[132], but only to some extent as long as broader political and economic conditions do not change (de Haas et al. 2009: 51). In sum, there is a potential for transnational agency of refugees, but the institutional context should not be ignored (Wahlbeck 2002: 232-234), neither should its influence be exaggerated (Ostergaard-Nielsen 2001).

To some extent there are thus differences in transnational activities between migrants in the West and refugees in situations of mass influx in the South. However, I would argue that the legal status of the person or diaspora organisation concerned, as well as the country of origin and the host country have an influence on the type of transnationalism in a way the label 'migrant' or 'refugee' does not. As argued above, Burmese people are leaving their country for a combination of economic and political reasons, which makes it very hard to distinguish between refugees and migrants (migration-asylum nexus). Most Burmese left Burma illegally and entered Thailand illegally. Institutionalised transnational links would thus be problematic for both refugees and illegal migrants. Moreover, most Burmese in exile, both inside and outside refugee camps, have a strong political focus on their home country that suffers under the military rule. While it is true that in most cases this does not result into active political transnationalism, that accounts for most of the migrants and the refugees; only a small section is politically active. Other

[132] For example, Thailand is currently planning to set up a project to encourage remittance sending of registered migrants (Email conversation with staff of Thailand Development and Research Institute, October 2007), which will take the sector out of the clandestine sphere that currently surrounds it. The rationale behind the project is that the Thai government assumes that these remittances are the only means preventing the recipients to cross the border into Thailand as well. However, research has demonstrated that remittance sending in the short term actually may encourage migration, as it both enhances aspirations and means to leave (de Haas 2007). There is thus no guarantee that encouraging remittances will stem migration flows to Thailand.

people may leave for economic reasons and become politically active in the somewhat less restrictive climate in exile (Ostergaard-Nielsen 2001: 266; Banki 2006a: 43), requiring protection against refoulement and blurring any label attributed to them. As these features are probably not unique to Burma but rather to all cases of protracted conflict and totalitarianism, I argue that the concept of 'transnationalism' should be conceived as a generic term including transnational activities from all migrants, regardless of the label attributed to them. The advantage of transnational studies is that there is no longer an exclusive focus on the motivations for migration. Instead, it shifts the focus away to the connections of migrants with their relatives and community members in their homeland and across the wider diaspora (Al-Ali and Koser 2002: 2; Horst 2006c: 207-209). Therefore, it would be counterproductive to stress the differences again in an approach that seeks to have a new perspective on mobility.

CHAPTER 6: REFUGEES AS AGENTS OF CHANGE

> "*People don't actually get over experiences, especially profound ones; instead they incorporate them into their character and personality and respond to all subsequent experience from the perspective of the new self*".
>
> (Storti, quoted in Ghanem 2003: 53)

The experience of fleeing and living in exile obviously has an impact on refugees. Refugees seek ways to adapt to life in the host country, by negotiating over housing and wage employment, connecting to other ethnic groups previously unknown, by creating community organisations and attracting donors etc. This kind of agency contributes to social change for the individual refugees involved as well as for the greater refugee community (Dryden-Peterson 2006: 390). These adapting strategies affect refugees in a way that cannot be 'undone'. There is no return to the status quo. Many refugees on the Thai-Burma border have received relatively high standards of education and training compared to most people inside Burma. Moreover, they have learned various professions in Thailand, such as new construction techniques, brick making, solar panel repair, weaving, trading etc. If they ever return to Burma, it is unlikely that all of them will become farmers (again)[133]. In addition, a high percentage of Burma's most educated and talented citizens have actually fled and now work for humanitarian, political and civil society organisations outside the country (Maclean 2004: 335). This is certainly the reality in Thailand as jobs with international NGOs are the only non-manual labour ones that educated refugees are allowed to perform. Their potential for rebuilding the

[133] For example, research has demonstrated that return programmes that promote training and tools for the jobs that refugees held (or were believed to hold) before their flight, are bound to fail (Kibreab 1999a).

country is great, as they have the capacity to write project proposals, attract donors, know what confidentiality means etc., at a level that hardly exists inside the country[134]. But even before any return, refugees can affect their country of origin, despite the fact that they are not present on the ground. Through transnational activities, they can have a positive impact on the home country by contributing to peace building and development, or they can prolong the conflict (Nyberg-Sorensen et al. 2002; Van Hear 2003b; Horst 2007). Simultaneously, the refugees' host environment is affected because of their presence, which makes this a two-tiered process of change.

Through the combination of transnational and integration strategies, the diaspora in Thailand strongly connects home and host country, as is the case with other refugee populations (see e.g. Kronenfeld 2008: 45). The extensive migration and displacement of the last two decades have not only fundamentally affected the social fabric and livelihoods of the refugees, but have also altered social and economic structures at both the sending and receiving end. The extent of these changes should not be exaggerated though: "*The insight that people exercise their agency to move within constraining conditions also implies that the degree to which migrants are able to affect structural change in sending and receiving societies is real but at the same time fundamentally limited"* (De Haas et al. 2009: 4). The Burmese refugee potential for transformation of the home and host region are the two topics successively discussed in this chapter.

6.1. Burmese refugee transnationalism: What is the effect?[135]

An important segment of migration research is devoted to migration policy, the internal dynamics of migratory processes as well as the linkages between migration

[134] Interview with Mael Raynaud, consultant, Mae Sot, December 10, 2007.

[135] This section is an extended version of the following paper: BREES, I. (2009b) 'Burmese refugee transnationalism: what is the effect?', *Journal of Current Southeast Asian affairs*, 2/2009: 23-46.

and development (Nyberg-Sorensen et al. 2002; Nyberg-Sorensen 2007; de Haas 2007; Naik et al. 2007; de Haas et al. 2009). In particular, there has been quite a debate the last few years on the impact of migration on the country of origin in terms of brain-drain or brain-gain, but also on how migrants contribute to development while being abroad. Most of these studies tend to focus on sending countries which are not or no longer in a state of armed conflict though. The ones that do look at conflict-affected countries often seek to assess the refugees' role in perpetuating or exporting the conflict (Lischer 2000; Terry 2002; Salehyan and Gleditsch 2006). However, more recently, there has been an increasing interest in the way refugees can support *development*- or at least relief- in a crisis situation, particularly through studying remittances patterns (Sriskandarajah 2002; Van Hear 2004; Fagen 2006; Young 2006; Lindley 2007a; Savage and Harvey 2007). This section will assess this subject for the Burmese refugees in Thailand, and will add elements concerning the impact of *non-economic* transnational activities. Many of the Burmese refugees will not return in the near future, if ever, but still have quite an influence on their country of origin: "*By manipulating links with relatives and friends, despite physical distance, (forced) migrants and 'stayees' create a level of agency and choice that their politico-economic position might otherwise not have allowed*" (Horst 2006c: 210). Burmese refugees in Thailand have established economic, social and political transnational activities to support their relatives and communities that stayed behind, as was discussed in the previous chapter. The focus of this section is on the impact of these transnational processes, but it is recognised that additional field work inside Burma would be beneficial to complement and refine insights gained on the Thai side of the border. It will be examined whether refugees' transnational economic, social and political activities have an impact on stayee households, communities and the country in general, and if so, what the direction of that impact is. In addition, the reaction to these activities by different stakeholders, amongst which the sending government, will be discussed.

6.1.1 Financial remittances and their multiple effects

> *"Burma will also be hit by the global economic crisis through its diaspora. Foreign labourers will be the first to be laid off, certainly in the export-oriented industries in Thailand. Huge problems are looming, as Burma cannot sustain the shock of losing all those remittances."*
>
> (Harn Yanghwe, Director of Euro-Burma Office, Burma conference, European Commission, Brussels, October 31, 2008)

Although there has not been any research on remittances inside the country, based on comparison with other conflict-affected countries, it can reasonably be assumed that for the people who receive remittances, this is a very important source of income. The remittance senders in my sample thought the money was used for consumption and house necessities (as did senders in Turnell et al. 2008: 12)). Remittances are thus used in this context for survival or coping, leading to small improvements of life, but probably not leading to an accumulation of assets and real poverty reduction. In any case, the remittances sent give the recipient family a greater level of power and choice (Horst 2008). They can use it to survive in the economically marginal area or war zone or they can accumulate financial capital to migrate as well. While it is first and foremost the recipient that benefits from the remittances, his/her contacts may benefit indirectly as well. When the money is used for products and services or for alms to Buddhist monks[136], it leads to a 'trickling down' and positively affects villagers who do not have family members abroad (multiplier effect of remittances) (Taylor 1999; de Haas et al. 2009). Moreover, money can also deliberately be used to assist others, and as such for building up social capital (Horst 2008: 5).

[136] Every Burmese Buddhist man is required to become a monk at least once, but usually twice in his life. This tends to last from a few months up to a year, but poorer families may send their children for a longer time (Participant observation and informal conversations at inauguration ceremony at Inya Lake, Burma, December 2004). In addition, many of the Thai-based respondents who never had benefited from any education in Burma could nevertheless read and write because of the time spent in the monastery. These alms are thus serving both religious as well as poverty and illiteracy reducing goals.

The remittances are likely to have a positive effect on the recipient family, but there is some discussion amongst academics on the potential downsides of remittances. It is said that constantly sending remittances may create dependency among the recipients (Horst 2002: 5; Hansen 2004), but the question is which alternatives exist to remittances in this particular context, other than migrating as well. In addition, remittances are 'blamed' for satisfying individual needs, while not changing anything as regards structural problems in, for example, the education or health system (Levitt and Sorensen 2004: 7)[137]. Therefore, there has been quite some debate on how to 'guide' remittances towards productive investments, to the detriment of the consumptive use of remittances. However, Pieke et al. (2005: 10) challenge this discussion: "*Informal remittances bring desperately needed relief from acute or chronic disaster. Such remittances thus complement international relief aid, making a vital contribution to development that is prior to – and every bit as important as – more structural economic changes needed for sustained economic growth*". Remittances are usually not earmarked for a particular purpose, but become part of the general household budget (Taylor 1999: 71-72) and are thus used for the most pressing needs in a given context. In this case, that context is a heavily underdeveloped country, part of which is locked into a protracted civil war. It is thus unrealistic to expect remittances to improve this disastrous macro-economic situation all by themselves. Refugees' private transfers cannot be expected to make up for the responsibilities of the SPDC and the international community in fighting poverty. The burden of remittance sending is already very high for the senders. Turnell et al. (2008: 11) have found that senders remit on average 38% of their annual disposable income, which is in the highest range found in studies worldwide. While this is obviously beneficial for the recipient household in question, the financial transfers can thus be to the detriment of the sender's development of abilities: "*Refugee and migrant households abroad have to balance the demands of their own livelihoods and futures (such as education of their*

[137] It has also often been stated that remittances can raise inequality, in particular if only the relatively well of can afford to migrate (e.g. Savage and Harvey 2007: 6). However, as the border with Thailand is very porous, I do not think this is the case for the border areas where most of the refugees come from. It could be the case that remittances raise inequality in more central areas of Burma though, , but even then this might be eased due to the trickling down effect.

children), those in other destination and transit countries, and those left at home, or in neighbouring countries of first refuge. There is thus a portfolio of obligations (which might be termed 'forced transnationalism', Al-Ali 2002), as well as a portfolio of resources. That portfolio of obligations may become unsustainable and debilitating" (Van Hear 2004: 32). Transnational activities are therefore not necessarily beneficial for both sides of the link. Yet, as Horst states (2008: 7), at the same time, fulfilling family obligations is also a choice made.

Household remittances can also have a positive cumulative impact on the homeland. As mentioned above, Huguet and Punpuing (2005: 46) estimate that around US$ 155.3 million is sent to Burma per year, while the survey by Turnell et al. (2008: 11) suggests that the real amount could actually be as high as US$ 300 million annually. These estimates, which only account for the transfers from Thailand to Burma, exceed the total amount of ODA to Burma (US$ 144.7 million (UNDP 2008a)) and indicate the importance of remittances for a country that suffers under economic mismanagement and conflict. These remittance flows can lead to a rise in foreign exchange in the country and, as such, international financial institutions can come to see the country as creditworthy (Taylor 1999: 69; Guarnizo 2003: 688; Fagen and Bump 2006: 4). Moreover, remittances can help 'banking the unbanked' as it enhances the chances of the recipients to receive loans, and as such generates a savings culture (Pieke et al. 2005: 30-31; Turnell et al. 2008: 5). In this case however, financial institutions are very weak and unreliable, and sanctions do not allow for international financial institutions to engage with Burma. Additionally, value transfer of remittances is often considered a safer and quicker option, and even if the money physically crosses the border, it tends to be changed into kyat first. After all, the junta does not allow the Burmese people to possess foreign currency. If this context were to change in the future, the impact of remittances on the overall economy could enhance substantially.

Nevertheless, even in the current context, the potential of transnational economic practices is being increasingly recognised by the Burmese junta. The SPDC actively started to promote 'migration for work', for now mostly to Malaysia, Singapore and

the United Arab Emirates (Aung Thet Wine 2008). They would like to extend this system of institutionalised migration to Thailand, which is an idea that is in line with other regional projects that encourage economic transnationalism, such as the 'Special Economic Zones' that are emerging along many Asian border zones. This confirms Margheritis' point (2007: 101) that international arrangements affect sending countries' transnational policies. However, until recently many logistic (in the eyes of the Thai government) and security problems (in the eyes of the people concerned) have hindered this institutionalised form of migration in practice (MAP 2008; Lawi Weng 2008b). In the beginning of 2009 though, the RTG has announced that in February 2010 every migrant worker would need to go to the border to register legally with Burmese officials ('*the national verification process*'), instead of the current registrations (Hseng Khio Fah 2009a; CCSDPT January 21, 2009, internal document). This signals a complete change of the present system, and it remains to be seen whether the employees concerned will cooperate with this new system, which could increase their insecurity and that of their family left behind – in addition to the taxes they will have to pay to the Burmese junta. Indeed, people who register with employment agencies have to reimburse a large part of their wages to the state in taxes (10%), which makes it an unattractive option. For the junta, these taxes on labour export are a lucrative source of income ('*remittance capturing'*), as millions of Burmese people work abroad- in fact, the Burmese diaspora in Thailand is estimated to represent 11% of the Burmese labour work force (Lubeigt 2008: 168). At the same time, labour migration diminishes the potential of social, if not political demands, building up within society (Lubeigt 2008: 181), which is why the junta (and many other emigration countries (De Haas et al. 2009: 34)) is not necessarily against it, as long as they profit from it. As the largest part of the Treasury is currently used for defence in Burma, it is doubtful whether the remittance capturing will benefit the development of the country. Moreover, even if remittances are not 'captured', a recent longitudinal study by Ahoure (mentioned in de Haas et al. 2009: 46) found that the impact of remittances was much less positive in countries with low scores on governance indicators (such as Burma) than in countries with better governance structures.

Another kind of transnational activities that can have an impact on conflict are the cross-border businesses of entrepreneurs. While I have not found evidence of large-scale cross-border businesses in the hands of refugees, as in any other conflict there are entrepreneurs who will act as '*peace spoilers*': actors that prefer conflict over peace if peace would entail that large scale economic opportunities are lost. Certainly the enormous smuggling businesses in drugs, gems and timber are important in this regard. These transnational smuggling businesses operate through a myriad of actors such as local junta and rebel leaders, Thai or Burmese businessmen and police and immigration officers, with refugees sometimes performing some high-risk, low-profit manual labour jobs for small operations (see e.g. Gallasch 2001: 50). Also other actors may have a stake in maintaining the status quo: "*During more than fifty years of (mostly) low-intensity armed conflict in Burma, insurgency has become a way of life for long-suffering villagers, for combatants on all sides and for the networks of traders, loggers, spies and aid workers that grew out of the war. Many of these groups have vested interests in maintaining conflict along the border"* (South 2006).

Overall, it can be said that the household remittance system is the least controversial transnational practice, as it does not challenge the security of either the country of origin or the host country. Transnational businesses are only combated if they are illegal, but are otherwise encouraged by both Burma and Thailand due to mutual benefits (see e.g. Lubeigt 2008: 165).

6.1.2 The impact of social engagement

Collective social remittances can have an impact on both development and conflict. The relief aid provided by different diaspora CBOs with transnational networks has an obvious positive and meaningful impact on IDPs in the eastern border zone. However, it is dangerous for the care providers involved as the junta sees their presence as illegal and too closely aligned with the KNU rebels- whose presence is required to provide security for the aid workers, hence this is a self-fulfilling

prophecy. For the CBOs, maintaining good relations with the ethnic armed organisations is thus necessary to maintain access to the areas where they work (Fink 2008: 459). While this cross-border assistance (funded by foreign donors) to some extent reinforces the SPDC's view that there is foreign interference in internal affairs[138], even the UN and ICRC have admitted that cross-border aid is the only way to support the extremely vulnerable Karen IDP communities as long as the SPDC does not change its mind concerning in-country- access.

In terms of assistance to development, there is some diaspora support for infrastructure, but large-scale development projects set up with diaspora funds and know-how are not possible in the current context of distrust and war. Still, development can also occur in a less visible, slower way. For example, the training courses bring about development on different levels. They not only increase the human capital of the persons concerned, some also have a direct impact on the community. In concreto, the health care-related training courses have significantly increased the capacity of the local health workers to improve the hygiene and medical conditions of their community in the absence of state-provided health care. Other trainings on the other hand, such as the journalist and photographer training, have a large indirect impact on the Burmese junta, as the exposition of human rights abuses and troop movements has multiplied along with these trainings. If these ideas on human rights, democracy and gender equality are gradually incorporated on individual and group levels, they can positively contribute towards peace building: "*When the transnational dimension proofs to be vital to the advancement of a discourse on human rights and a critical debate on violence and repression, this can only be seen as a healthy development"* (Horst 2007: 8).

The fact that these diaspora groups manage to organise themselves at such a sophisticated level, offering services to their people on both sides of the border, communicating globally and receiving international funding, leads to a rise in their authority and legitimacy compared to ethnic and junta leaders inside Burma. Social

[138] For more information on the military regime's view of the world, see: International Crisis Group (2001) '*Myanmar: The military regime's view of the world*'. Asia Report n°28. Bangkok/Brussels: ICG.

transnational activities can thus lead to a shift in power relations and as such have political consequences. For example, the funding and distribution of aid by Karen CBOs called KORD, CIDKP and KRC, who all are closely related to the KNU, has political consequences: "*The aid coming in from the NGOs helps to establish the refugee camps as power domains of the KNU. The distribution of aid via the arm of the KRC serves to perpetuate the idea among the Karen refugees that the KNU still cares for its people. In doing so, it produces and also reproduces the allegiance of the camp's inhabitants*" (Sang Kook 2001: 80). The same accounts for aid to IDPs. In contrast, ethnic leaders inside Burma lack both the international networks and the capacity that Thai-based organisations have, implying they are less present on the international scene, which ensures less funding for relief and development projects, and thus potentially less recognition by their population.

In addition, cross-border aid can entail negative results for non-political stakeholders. For example, after Cyclone Nargis hit Burma in May 2008, all kinds of diaspora organisations tried to help the victims, including the ones usually working in Karen State. However, as these are closely associated with the KNU but were now working far outside their usual territory, with donor money that was not intended for cyclone victims, they jeopardised the humanitarian space of other aid workers in the affected delta zone. Despite good intentions, the close relationship between these transnational aid workers and rebels can thus be problematic, even more so in a context where it is possible for aid organisations to work legally. The impact of community engagement thus very much depends on the local context in the country of origin.

6.1.3 Directly or indirectly challenging the junta: any effect?

In general, it can be said that the *potential* of the political diaspora in contributing to both peace building and conflict is particularly great in this case study. The reason for this is the small margin for political contestation that activists inside the

country have enjoyed for several decades, which severely limited the capacity of their organisations to become performing political opposition parties that can challenge the junta. This does not imply that the diaspora organisations have achieved so much more tangible results, but they do have a larger network, more capacity and more freedom to speak out, which ensures they have more 'voice' than the opposition inside the country does (with the exception of Aung San Suu Kyi): "*The 'long-distance nationalist' in exile from Burma has both little impact on what happens inside the nation and little price to pay for the possible effects of his or her actions. Nonetheless, making this point does not necessarily conflict with seeing the outside as an important part of the struggle too, or perhaps more accurately, occasionally a separate struggle*" (Dudley 2003: 22).

While there are dialogues and fierce debates in international panel sessions and over the internet, these usually occur in between elite members in exile. The 'inside' hardly participates in this kind of debate, since the large majority have no access to the necessary technology[139] and specialised education, knowledge of English or the liberty to speak one's mind safely. They generally thus have hardly any contact with the political diaspora, with the exception of some diaspora journals that are smuggled in and radio emissions (one-way, not dialogue)[140]. Also non-elite refugees are restricted to these kinds of media. However, it is not because people are not able to use the internet themselves that the information does not trickle down through face-to-face conversations, telephone or other means. Even if the content is created by those who have computer access, the internet is more democratic than other forms of mass media: "*The Internet can be seen as decentralized, participatory, unregulated, and egalitarian in operation compared to mass media such as newspapers, radio, or television where*

[139] Even if a person has the skills to use a computer, importing, using or possessing a computer or a fax machine without prior government permission (and thus a 'guarantee' that a person is not prone to becoming politically active) can lead to a jail term of up to 15 years (Strand 2002: 32; Chodhury 2008: 8). The law also established hard measures against the establishment of computer networks without prior approval (Chodhury 2008: 8).The reason is that the regime realises very well that the opposition-in-exile uses the internet to spread information and to campaign.

[140] Well-known emissions are from Democratic Voice of Burma (DVB, Norway), Radio Free Asia (USA), Voice of America, and BBC Burmese Service, but also the KSNG radio from inside some refugee camps can be heard across the border.

communication is largely one way and consumers have very little opportunity to be producers of content (...) We can see the potential of the Internet to change politics, particularly through giving voice to the views of people who are not in authoritative positions" (Bernal 2006: 165).

Do the transnational dialogues over the internet lead to rational discussions about alternatives to the current military rule and power sharing? No. What these internet blogs do offer, is a communicative space to exchange ideas, present unpopular perspectives and criticize the powerful, free from censorship and violence (Bernal 2006: 166). These debates are only possible because the diaspora is located outside Burma, but they are important, both for the participants and because the discussions are followed up by the junta. Some internet blogs even allow for discussions between the diaspora and representatives of the Burmese regime. The fact that this became possible "*was a significant step toward a more polycentric, non-hierarchical system of communications among the Burmese*" (Brooten 2003: 224-225), but it has not yet led to political changes. The following piece is an extract from a recent discussion on the Irrawaddy- website, following an article on the new trial of Aung San Suu Kyi. An American man named Yettaw had swum across Inya lake, uninvited, and illegally spent a day in her house, after which Suu Kyi was taken to court again (Aung Zaw 2009).

(*This discussion dates from before the end of the trial, which resulted into an extension of Suu Kyi's house arrest.)*

Figure 5: Extract from a discussion on Irrawaddy-website

Okkar Wrote: 27/05/2009

If you know the verdict already, why bother commenting on the ongoing trial? Enough with all this fuss already, she broke the law, she goes to jail... just like every other citizens of the world. We can't have one rule for politicians and one rule for the rest of the population. If Suu Kyi is her father's daughter, then that's the more reason for her to abide by the law

and accept punishment handed out to her for her mistake, just like every other criminal.

Free Burma Wrote: 27/05/2009

The SPDC junta was so blinded by the fortuitous opportunity provided by the Yettaw incident to extend Suu Kyi's detention that they did not see foresee the obvious. And that is this show trial farce has ended up further enhancing Suu Kyi's iconic reputation, influence and standing both in Burma and around the world while doing the exact opposite for the SPDC. I am sure the irony of this situation is not lost on many.

Free Burma Wrote: 28/05/2009

Dear Irrawaddy,

Why do you usually post junta thugs' comments like Okkar? I know the ethics of journalism but at the same time a good editor's responsibility is defending readers' unhappiness by not posting nonsense articles or comments.

We all know those are counter attacks in the internet sphere from the SPDC and feel you keep posting them unnecessarily. These are not good enough for laughs, instead those comments make readers really annoyed.

Tom Tun Wrote: 28/05/2009

Hey Okka,

What is the purpose of law in a country? Is it to protect the public or is it just a threat to the common people just to hold power? Answer another question. Who is responsible for safeguarding Daw Suu's compound? Why don't you charge the person who is responsible for compound security? Open your eye of hatred and look around. Another thought, you may be receiving Than Shwe's left over bones from his plate. In that case I don't blame you for your loyalty to your master. Learn about real freedom and justice. Come out of that little hole that you guys are in.

> **Okkar** Wrote: 28/05/2009
>
> Glad to see the hypocritical side of opposition supporters, who claimed to fight for freedom of speech and justice. All the postings show that there is greater conflict in the mindsets of opposition supporters. While they shout and scream for democracy, human rights and freedom of speech, expression all that non-sense, they contradict themselves by failing to appreciate the values of freedom and democracy, let alone embracing them.
>
> If you cannot practice what you preach, why bother preaching at all? If you can't stomach what you trying to sell to others, why bother even protesting about it at all? Isn't it time opposition supporters did a bit of soul searching?

It is clear that this kind of open, critical discussion would not be possible inside Burma.

Through the internet, participation in debates has widened by linking interlocutors who were otherwise unknown to one another, geographically dispersed and from different regional, ethnic and religious backgrounds (Bernal 2006: 174). The transnational dialogues have brought into being new public intellectuals and created a vibrant international lobbying community, which "*changed or strengthened opinion in some Western governments and boardrooms and, to an extent, it has created its own reality.* (…) *It has also encouraged the further development of language, technological and political skills amongst Burmese exiles"* (Dudley 2003: 29). After all, the more the internet became widely used by the Burmese community in the West, the more the diaspora in Thailand felt encouraged to improve its own IT-skills, leading to a steep increase in news-coverage by the various ethnic minorities (Dudley 2003: 20). The reason for this is that the new media lead to stronger reactions of the diaspora than earlier forms of information dissemination, because of its immediacy and because it can transmit images which are perceived as more believable, as proven by Kaldor-Robinson in the case of former Yugoslavia (Lloyd et al. 2002: 135). It is hoped that these internet conversations and information sharing opportunities will create better

intergroup understanding (as is the case e.g. for the users of Burundinet (Kadende-Kaiser and Kaiser, in Al-Sharmani 2006: 95)), but this does not yet seem to be the case for the Burmese diaspora. Of course, communication does not only occur through blogs, but also through teleconferences and email, which are very important for the political diaspora: "*With one minister in Thailand, one in India, three in Washington, one in New York, two advisors living in Canada, one in Vancouver and one in Montreal, the Burmese government (in exile, the NCGUB, ed.) may be one of the world's most ICT-dependent*" (Strand 2002: 47).

The problem with the diaspora struggle is that it tends to lead its own life, which sometimes results in confrontations with activists inside the country. A good example of this is the hyped 9/9/99 campaign, initiated by activists in exile, which led to increased tensions because the activists inside the country felt it put them in danger (Brooten 2003: 185-194). The effect in the country was thus negligible. In a sense, there are thus indeed separate struggles ongoing, but this does not mean that the political diaspora never influences the stayees: "*Accounts have generally ignored the important role exile groups have played in shaping the viewpoints of the NLD, the SPDC, and other important international actors*" (Maclean 2004: 326). This kind of effect is very difficult to pin-point though.

The remainder of this section will highlight the impact of the political diaspora' s struggle. The discussion of the political transnational activities in the previous chapter revealed that these activities are very diverse, and of course the impact very much depends on the kind of political activity undertaken, thus the direct-indirect division is adopted in this section as well.

The impact of direct political transnationalism

The junta reacts very harshly to in-country contentious politics. Peaceful demonstrators or opposition members are frequently arrested, and the SPDC does not hesitate to use massive force to quell demonstrations, as was last seen in September 2007. Likewise, the rebel armies in the border areas are combated

forcefully with the 'Four cuts strategy'. However, these counterinsurgency tactics disproportionally affect the civilian population. Hence, the Burmese are very much divided on which option is preferable: 'fighting for the cause' or 'ceasefire for peace': "*Critics accused the hard-liners in Mae Sot of sacrificing the interests of Karen communities in the conflict zones for the sake of an increasingly elusive breakthrough at the national political level*" (South 2008: 59). There is an intensive debate on whether or not ceasefire and subsequent return of the refugees would not be better for the ethnic minorities than the decades of conflict they have had to endure:

> "*We just want peace so we can go back! This is not our country. If there really is peace and monitoring of that peace by the international community, then we would go back!"* (emotional remark by a participant in a focus group discussion, Mae La camp, December 21, 2006).
>
> *"The Karen people in Myanmar have become very weary and fed up with the prolonged civil war and its consequences. (…) The Karen leaders in Myanmar have projected the idea of transferring 'the armed struggle in the field' to the 'political struggle around the table"* (Karen civil society leader from Rangoon, quoted in South 2008: 65).

Inside Burma, there are other Karen organisations than the KNU that chose to 'return to the legal fold' and engage with the junta to pursue greater economic and cultural autonomy (South 2007b: 65). But because the KNU is based in Thailand and has far greater access to international resources, they managed to gain recognition as the representatives of the estimated seven million Karen. In practice however, many Karen live inside the country, both close the border or in Rangoon and the delta zone, and do not necessarily recognise the leadership of the KNU (Thawnghmung 2008; South 2008). Regardless of whether they support the KNU's military approach or not, the people in Karen state are strongly affected by the war situation, which is likely to endure as exiled hardliners were elected as the KNU

leadership in 2008[141]. On the other hand, as long as the war continues, the KNU can provide vital protection by contributing to early warning systems for villages, notifying them in case tatmadaw attacks are imminent, and by providing safe passage through the mine-infested area for IDPs and people wanting to seek refuge in Thailand. Even the impact of direct political transnationalism is thus not black nor white, but rather in a grey zone.

The impact of indirect political transnationalism

Diaspora organisations provide information on the situation inside the country, and lobby to effect a strong response by the international community. Through their work, they can reveal problems that are neglected. For example, intensive information campaigns on a rat infestation in Chin State and the subsequent famine helped the UN to respond quickly to this particular situation: "*We are very happy with the reports on the famine in Chin State from several of the organisations present here. Now the profile is raised and it is easier to get donor support. That will help us to get a better view on the situation and mobilise more resources"* (Chris Kaye, WFP representative, Burma conference, European Commission, Brussels, October 29, 2008). Another possible positive effect was revealed through the work of KHRG: local military leaders may be responsive to a threat to reveal the abuses to exiled media: "*They (the villagers) had to carry things for the SPDC and had to cut bamboo poles for them. (…) I warned them (the SPDC authorities) that 'if you continue to order the villagers to do these things, the news (of forced labour demands) will spread out from BBC and VOA'. After that they reduced the forced labour*" (villager in Papun district, cited in Hull 2008: 11). While this finding cannot be generalised, it does illustrate a possible effect of exiled media coverage. Fink (2008: 458) also mentions how the documentation of the widespread use of forced

[141] The KNU does want a ceasefire, but wants peace on its own terms, which includes a political settlement for all the ethnic minority groups in the country, and as such a discussion on political devolution and federalism. This stance has impeded a ceasefire since the 1990s (Thawnghmung 2008). In contrast, Karen leaders with a 'Union Karen perspective' "*do not see a fundamental contradiction between citizenship of a centrally governed state, and the pursuit of greater economic, social, cultural and linguistic autonomy*" (South 2008: 65).

labour has led to growing pressure on the regime, and eventually to the opening of the ILO- office in Rangoon and a decrease in the use of forced labour, at least in the central areas of Burma.

But the main goal of these transnational groups is of course to effect national political change, through international pressure. In spite of the intensive lobby work, nothing much has changed. Year after year the Burmese junta is condemned in high-level international meetings and sanctions have been proclaimed by the US and the EU, but these actions have not been able to reach any goal in the field, apart from challenging the legitimacy of the junta. The main reason for the inefficiency is the discord between the West and the East over tactics to influence the Burmese generals, namely sanctions or constructive engagement (Brees 2007a). As the rule of the Burmese junta is accepted in the region, it is rather easy for them to ignore diaspora and Western calls for change- which is not to say that regional countries have so much more influence over the SPDC.

Not only the international politicians, but also the Burmese people tend to be divided over the sanctions strategy. The sanctions imposed by the US have for example led to a massive loss of jobs in the garment sector in Burma. Another important aspect of these sanctions is the denial of assistance to the country by international financial institutions, and some diaspora groups lobby strongly to keep it that way (see e.g. Ethnic Community Development Forum 2008). In addition, advocacy organisations like Free Burma Coalition have successfully organised transnational coalitions with overseas solidarity organisations and NGOs involved in the movement for greater corporate responsibility, in order to affect private sector investment decisions (Maclean 2004: 337; Chodhury 2008: 10-11). Different tactics were used, such as consumer boycotts, stakeholder actions, etc. They attracted quite some media attention and tens of companies, such as Pepsi, Reebok, Levi-Strauss and Texaco, did indeed withdraw from Burma, again leading

to a loss of jobs[142]. Predictably, this leads to disputes as, once again, the people who stayed behind suffer from the consequences of these decisions.

The junta for its part, has responded to the influence of the diaspora lobby and the resulting tensions with the West by hiring US-based consultancy firms to improve their image (Smith 1998; Thornton 2006). In addition, they try to criminalise diaspora organisations and their counterparts. For example, they tried to exclude the 'Free Trade Union of Burma' from a meeting with the International Labour Organisation, by calling them 'terrorists':

> "*Please allow me to reiterate our position regarding a matter which we strongly feel is of vital importance for Myanmar as well as for the image of the International Labour Organization. That is the participation of the members of Free Trade Union of Burma (FTUB) which the Ministry of Home Affairs of Myanmar has declared as terrorists. (...) In the light of intensified cooperation between Myanmar and the ILO, as evidenced by the emergence of a redress mechanism for forced labour victims, to allow the participation of elements involved in terrorist acts at the special sitting on Myanmar will in no way contribute to our worthy efforts to eliminate the practice of forced labour*".
>
> (Statement by U Hla Myint (ILO 2007))

However, the junta has little control on the extensive information flows from Burma-based informants to the diaspora or on criticism spread on the internet forums. In an attempt to get a better grip on these Web-based activities, the SPDC sent officials to India and China for training in the fight against cyber criminality, where they learned to intercept emails and detect their sources (Irrawaddy 2007). This has led to the creation of a special 'Cyber Warfare Division' within the secret police to track online activists (Chodhury 2008: 12). Multiple events in 2008 suggest

[142] However, the loss of jobs is minimal in case of the capital-intensive oil and gas sector, which is the largest source of foreign exchange for the junta. Moreover, Western companies in those lucrative areas are quickly replaced by Asian companies, which brings new jobs, but which also raises questions on the efficiency of sanctions without the cooperation of Burma's neighbours.

that this strategy has worked. Several of the large diaspora websites (e.g. Mizzima and Democratic Voice of Burma) were hit and crashed for days in July 2008 (South East Asian Press Alliance 2008) while the email box of Dr. Turnell from Macquarie University was flooded with thousands of emails on one day, right before the 2008 Burma conference[143]. It is thus very likely that critics of the regime will increasingly have to endure this kind of harassment in the future. Moreover, if the junta has the feeling that a situation is growing beyond its control, such as during the 'Saffron Revolution' on September 29, 2007, they can take the measure to shut down access to the internet and mobile phone system in the entire country as they control the only two providers (Chodhury 2008: 12-13).

In contrast to these activities, the influence of indirect contentious politics is first and foremost felt by Thailand, which is host to over two million Burmese refugees and the largest political opposition movements. Therefore this will be discussed in Section 6.2.

6.1.4 Concluding remarks: The influence of the diaspora on conflict, peace building and development in Burma

Through transnational processes, refugees can act as agents of change, but the case of Burmese refugees in Thailand provides mixed evidence in this regard. The transnational activities do have an effect on the 'stayees', but the direction of the influence, positive or negative, is not clear-cut, and it seems too early to talk of real change. The impact of financial remittances on a household level is positive in terms of survival and income diversification, which is even more welcome given the low level of ODA to the country, certainly in active conflict areas. On the other hand, the significant out-migration is likely transforming the social fabric of households and communities 'inside'[144]. However, as most of the migration to

[143] Personal conversation, Chicago, October 2, 2008.

[144] Certainly for this aspect, more research will be needed inside the country. Promisingly, a study on the impact of emigration on Arakan state has recently started (by a staff member of CNRS), which will

Thailand has been developed as an answer to life- and livelihoods- threatening conditions, the so-called 'brain drain' was inevitable. Moreover, the new manual labour and - for a minority- highly skilled practices learned in Thailand may change this brain-drain into a brain-gain if and when they return. In the mean time, the remittances support the recipients inside Burma, and to some extent the wider community through multiplier effects, but these remittances cannot change the economic structural context by themselves. Collective social remittances for their part can be directly and indirectly positive, or have a negative (political) impact depending on the context. Also direct and indirect forms of political transnationalism engender strong debates between Burmese people in all the domains of the refugee diaspora. After all, the rebellion and the activities supported by hard-line activists in the diaspora have a negative contemporary impact on the stayees. Moreover, despite the lobbying achievements in terms of sanctions and Western company withdrawals, until now the political diaspora has not achieved more tangible influence on the political situation in Burma than the 'inside' opposition has. The junta's grip on power has not weakened the last decade. Currently, there is thus not yet much visible evidence of economic, social and political transformations through refugee transnational activities. However, as the country of origin and the host country influence the transnational activities, the impact of transnationalism might change quickly once the technological, political and war context alters, e.g. in terms of participation of stayees in transnational dialogues, impact of remittances on the overall economy, diaspora involvement in negotiations, etc. Furthermore, other transformations, such as knowledge of the human rights discourse or critical political discussions, may only slowly and in an immeasurable way change people's hearts and minds: "*Today, because of the awareness-raising activities conducted by community-based organizations and exile media groups, there are civilians in the ethnic states who understand that the tatmadaw (and other groups) have broken international humanitarian and human*

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hopefully be followed by similar research in other areas of Burma. Even locally though, it might be very difficult to oppose positive and negative impacts of migration on socio-ethnic structures: "*They are often two sides of the same coin, and some members of families and communities may be affected more positively or negatively than others*" (de Haas et al. 2009: 35).

rights laws and that civilians should – in theory at least – have a right to challenge this. If political space opens up in the future, civilians may demand greater protections and an independent judiciary to take on such cases" (Fink 2008: 458).

A diaspora can have also a constructive effect on peace building if they manage to reconcile and unite in exile, as was the case in the El Salvador diaspora (Horst 2007: 6). However, ethnic fault lines are still very much present in smaller Burmese refugee communities such as the one in Japan (Banki 2006a) as well as in larger refugee communities such as in Thailand. Most exile organisations are actually still organised along ethnic lines, which tends to emphasize their differences rather than their common goals. Fink (2003: 3) describes how women's groups on the border discussed the formation of an alliance, but many of the ethnic minority women groups initially found it problematic to include the Burmese Women's Union because the latter accepted members of all ethnicities and therefore refused to only represent Burman women. This illustrates how ethnic tensions inside Burma are politicised, incorporated into daily lives and reproduced in exile. Moreover, the news coverage and advocacy of the ethnic minorities and the Burmans is still substantially different. While the Karen and other ethnic minorities tend to concentrate on social, economic and cultural rights, the Burmans focus on civil and political rights, which Brooten (2003) sees as a negative perpetuation of differences and inequities between Burmans and non-Burmans: "*The consistent and repetitive nature of human rights abuse reporting has also worked to maintain stereotypes of non-Burmans as victims. In the public realm they remained invisible except as symbols of Burmese military oppression. While there were exceptions, the very fact that they were exceptional proves the rule - that the popular conception within the opposition was of the non-Burmans as lacking political skills*" (Brooten 2003: 202). In addition to ethnic differences, there are other forms of factionalism on the border, related to religion, personal (autocratic) motivations, competition for foreign funding etc. (see also Maclean 2004)[145].

[145] Related to the latter two factors is, for example, the split-up of aid to the IDP camps between CIDKP and KORD. When the number of IDPs exploded during the '97 offensive, KORD did not have the capacity to deliver aid to all the people, thus CIDKP was set up to attract additional funding and manpower

On the other hand, there are also elements that improve inter-ethnic cooperation. The various trainings that are organised, for example, have tended to benefit young activists from various backgrounds, who are being trained to assume leadership positions in the future: "*Their participation in civil society organizations has exposed them to a much wider range of educational and organizational models through training programs, often with their peers from other ethnic groups. These cross-cultural experiments in living and learning together are important in themselves, but they have also created new frames of reference that will aid the building of a peaceful and democratic Burma"* (Maclean 2004: 336). In addition, the diaspora has also made official efforts to improve cooperation and understanding. A promising umbrella project, uniting political, civil and military groups inside the country and on the Thai side of the border, was set up in 1999: *the National Reconciliation Program* (NRP). It is very important to note that this initiative not only involves various armed factions, but also other groups that are affected by the SPDC's rule, as this brings additional potential to develop a more sustainable peace (Collyer 2006: 99). The idea is to prepare the different groups to participate in the 'tripartite dialogue'[146] between the SPDC, the NLD and the ethnic minorities, by facilitating and funding training as well as the set-up of inter-group coordination mechanisms[147]. Since its inception, regular meetings have thus been held, both in Thailand and close to the border in Burma, in order to agree on common principles

(Interview with Director of KORD, Mae Sariang, July 5, 2006). However, now donors have less strict criteria and funding is secured, so it seemed logical to me that the two Karen diaspora organisations would merge again, as they were working with the same IDP population. However, the head of KORD was unwilling to even consider the idea or talk about pros and cons of such a merger, presumably because of established patronage networks: "*Power and loyalty are highly personalized in Burmese society and the ability to distribute resources to members of one's own organization and community is crucial for the maintenance of patron-client relationships and the position of elites in exile*" (Maclean 2004: 344). This personalised form of power partly explains why the Burmese typically form new groups rather joining established ones, but external funding has exacerbated this trend of political factionalism: "*By funding almost all projects during their initial proposal period but then gradually reducing this funding in subsequent years, funding agencies had provided activists with an incentive to periodically start entirely new organizations to ensure at least continued funding, if not increased amounts"* (Brooten 2003: 337).

[146] The reason that I have put this word between brackets is that I fully agree with Pedersen's statement on this issue (2008: 65): "*There is no such thing as a "third" party that can sit down at the table for 'tripartite talks' as UN resolutions demand. Traditionally, different ethnic organizations have worked independently of — and often at cross-purposes with — each other. Although current trends and initiatives are more hopeful, the unity inherent in consensus on abstract ideals or general objectives should not be overestimated. The devil is in the details".*

[147] Interviews and email communications with Mael Raynaud, analyst for Euro-Burma office.

to govern Burma (across strategic divides[148]) and to create the conditions necessary to safeguard them. In the third and last phase of the project (2008-2012), the NRP hopes to further deepen political consensus, develop human resources, as well as prepare for a democratic rule through reliable data gathering, grassroots empowerment, etc. A first symbol of success of the project was the establishment of the Ethnic Nationalities Council (ENC) in 2004, which unites representatives of various parties and 'ethnic nationalities' within the existing ethnic states. The organisation explicitly recognises the junta as a stakeholder, even agreeing on amnesty for past actions for anyone involved in peace talks, demonstrating a genuine interest in dialogue (ENC 2006).

These kinds of projects have a real potential to succeed, as the Burmese social and cultural environment allow for interaction across ethnic groups, which has largely spared Burma from communal violence (not from tensions), unlike similar situations in other countries (Thawnghmung 2008: 49). The ultimate solution is still seen as lying in the political arena. Therefore, if the NRP proves efficient to build mutual trust and cooperation, which initial results indicate, this inclusive mechanism could substantially enhance the diaspora' s contribution to peace building. One could say that the Burmese diaspora has achieved 'the flight forward', as Durieux (2000: 8) calls it, by itself, by starting a multifaceted dialogue around peace issues, even without international facilitation, or rather, despite a lack of international recognition of that process. Indeed, since the NRP and other local initiatives lack the 'voice' that international lobbies do have, they tend to be ignored, not only by the Burmese junta, but also by important players such as the United Nations.

On the other hand, a diaspora can also prolong the conflict, by supporting rebel armies, or by holding on a to a strident, uncompromising rhetoric: "*Unfortunately for Burma (...) the voices of exiled elites have often drowned out better-informed,*

[148] Pedersen (2008: 58) has aptly divided these strategies in four ideal types, depending on a) if they want to engage with Burma now or if they want to wait for political changes first, and b) on whether they work in an armed or non-violent way. This results into 4 types: (1) confrontation (rebel groups), (2) contestation (political parties), (3) accommodation (ceasefire groups), (4) avoidance (civil society groups, focusing on humanitarian issues and capacity building).

more nuanced and constructive views. In the zero-sum struggle for resources and perceived legitimacy, genuine 'peace-making' efforts have been sacrificed for political expediency" (South 2008: 110). One example of the diaspora impeding peace building is the planned ceasefire negotiations of the KNU with the junta in 1994. This move was actively discouraged by the NCGUB, because they saw it as subversive of their own efforts to effect decisive international action against the Burmese generals. The KNU gave in to their wishes, to the detriment of the civilian population and themselves. Indeed, only a few months later, the KNU lost its Manerplaw headquarters, and most of its remaining territory. Recently, there have been renewed attempts by the RTG to mediate between the KNU and the SPDC, which the KNU is willing to accept, but other exiles fear: "*Htay Aung, a Burmese researcher for the exile-based Network for Democracy and Development, said there would be a 'gap' between the KNU and Burmese opposition groups in exile if the KNU signed a ceasefire agreement with the Burmese government. The Thai authorities were also likely to increase pressure on Burmese opposition groups and the democracy movement would be weakened if the KNU reached a ceasefire agreement with the Burmese regime, Htay Aung said*" (Saw Yan Naing 2009). Hence, history could repeat itself. This kind of lobbying and the potential support to rebel movements are factors that lead authors like Adamson (2002), Collier (quoted in Nyberg-Sorensen et al. 2002: 26) and Salehyan and Gleditsch (2006) to say that the existence of a large diaspora increases the likelihood of (enduring) conflict in both countries of origin and host countries.

There is thus no guarantee that a diaspora will play a positive role. The picture is likely to be mixed, as this and other case studies (e.g. Sri Lanka (Orjuela 2008) or Somaliland (Lindley 2007a)) have demonstrated. What is clear, is that they have a large potential to influence both peace building and conflict in their country of origin due to their capacity and networks: "*The exiles on the outside could be said to be forming a new elite in comparison to those who remain inside (...) characterised by greater levels of access to education and technology, greater opportunities and skills to manipulate language and technology and greater*

distance from the non-elite" (Dudley 2003: 23). However, at present, the role of refugees and diaspora organisations is not taken into account by international actors that try to influence the peace building and development process in Burma. Ibrahim Gambari, the United Nations Special Envoy for Myanmar, has visited the country six times in 2008, but until now his efforts were fruitless (Aung Zaw 2008). Moreover, Gambari and the UN in general have focused solely on the conflict between the SPDC and the NLD, to the detriment of any (public?) engagement in peace building in the decades long civil war.

> "*We are concerned that once again a United Nations envoy has visited Burma without also meeting with genuine representatives of Burma's ethnic nationalities, such as the Karen National Union. (...) Ethnic people should not be sidelined in any future discussion on a national reconciliation process in Burma*" (Statement by KNU on February 19, 2009, after another Gambari-trip to Burma, quoted in Wai Moe 2009).

This is a void as the ethnic minority groups, their civil organisations and the ceasefire and non-ceasefire groups are surely important stakeholders on the road to peace building and the extensive negotiations this entails. While several of the political transnational activities discussed above are indeed geared towards a confrontation and a challenging of the junta, most Burmese political parties (inside the country and in exile) actually prefer to compromise by acknowledging the junta as a partner for dialogue that will play an important role in the country's future. Even the hard-line civil society groups argue that the sanctions are merely a tool to be able to start negotiations, rather than to bring the generals down. The UN should thus include the political, civil and military diaspora leaders into the negotiations, regardless of whether the SPDC approves this, next to stakeholders inside the country. Initiatives like the NRP need to be acknowledged and supported, since this area could exactly be the best way in which the international community can encourage peace-building in Burma:*"International actors must continue to advocate in the strongest way possible for government dialogue with*

ethnic minority representatives, but direct mediation is unlikely to be a realistic option. Rather the most promising focus may be "down stream issues": helping ethnic groups prepare for future negotiations and develop common ground, addressing specific rights violations, reconstructing war-torn communities and economies, and providing protection and humanitarian assistance for conflict-affected populations. Ethnic minority organizations are engaged in all of these areas, but suffer from an acute lack of capacity and resources" (Pedersen 2008: 65). The current restricted focus on the NLD is unlikely to lead to sustainable peace as long as the other forms of conflict are ignored.

This overview demonstrates that refugees' contribution towards both conflict as well as peace building and development should not be underestimated, as they are bound to play a large role. One of the reasons that the role of refugees in development and peace building has not been considered (other than their potential as voters once they have returned), is the lack of information and research into this subject. This case study has demonstrated the various ways through which refugees can have an impact on their conflict-affected country of origin, but more research will be needed, both in cases of conflict and post-conflict, in order to fully grab refugees' potential.

6.2. 'Burden' or 'boon'? The impact of Burmese refugees on host country Thailand[149]

The most important reason that refugees are required to stay in camps is that host governments see them as potential threats. Also in the West refugees are increasingly regarded as a menace, certainly in the aftermath of 9/11, which led to the securitisation of migration and anxieties about 'the other'. However, this

[149] I would like to thank Renaud Egreteau for his insightful comments on an earlier version of this Section.

discourse holds more sense in developing countries neighbouring conflict areas, who have to deal with mass influxes of refugees on their territory. In those cases, refugees can indeed pose a security threat to the host country, for example if they attract attacks from across the border in which the local population is targeted as well or if they are mixed up with armed forces (e.g. mujahedin with Afghan refugees in Pakistan (Schmeidl 2002) or the Interahamwe with the Tutsi in Congo (Terry 2002)). Relief aid may be manipulated by former leaders to control their fellow refugees and finance their own insurgent activities, which can prolong the conflict in the country of origin. Moreover, refugee camps provide a ready ground for political radicalism, militancy and recruitment into rebel groups, as there are many bored young men in the camps (Salehyan and Gleditsch 2006). If any violent act is committed, there is often no adequate law enforcement system to punish these crimes, and since most camps are not entirely closed, the problems of crime, violence and militarisation leach out into the surrounding host community (Jacobsen 2000; 2002).

This impact on security is the most pressing one, but the impact of the refugees' presence also manifests itself on a political, economic and environmental level. The economy of a host country can be seriously affected by refugees. Large numbers of refugees who are in desperate need of cash are in a weak bargaining position. They have to accept lower wages and may thus have a detrimental effect on native employment and wages, damaging the more vulnerable members of the host community. This can result into rising tensions, as was recently the case in South-Africa, where refugees/migrants from Zimbabwe were blamed (or rather scapegoated) for the declining economic conditions. However, as refugees are not spread equally across the territory of a country, local effects are particularly important. While in some areas the impact may be negative, in other areas the presence of refugees can be beneficial due to the material assets the refugees bring with them as well as their human capital and skills. Certainly if there previously was insufficient labour to enhance the scale of the economy, a refugee influx may represent a real 'boon' to the region (Kok 1989: 431). Also within one

region there may be quite some variation since some actors will benefit from the refugees' presence and others will be negatively affected. These general findings can also be found in this particular case study.

If it is estimated that there are two million Burmese refugees in Thailand, then Thailand has a refugee ratio of 1: 32 (refugee population to total population). It is thus to be expected that the refugee impact on Thailand is substantial, which will be analysed in the following sections[150]. It will become clear that whereas the effect of the refugees on security and politics as well as on health to some extent presents a burden for Thailand, the impact of the refugees on the local and national economy is very much beneficial. This is an element that is ignored, certainly in this case, but also in many other situations of mass refugee influx, where host states are quick to divert all the attention towards the negative side of the refugee presence.

6.2.1 Impact on security and politics

The management of labour and forced migration into Thailand has been conceived through a national security lens, rather than one that also looks at economic and human securities (Rukumnuaykit 2009: iii). Burmese refugees and migrants, as well as other 'non-Thais' (Toyota 2006; 2007) are seen a threat to security, social order and public health.

While there are certainly cases of crime committed by the Burmese in Thailand, such as theft and drugs trafficking, part of the problem lies in perception. Media reports tend to feed the discourse on 'refugees as trouble makers', enhancing xenophobic attitudes. Every time a Burmese person has committed an offense, this is highlighted in the newspapers, which reflects negatively on the entire Burmese refugee population. In addition, the view that Thailand is being 'overwhelmed' by foreigners is frequently repeated. These ideas are often reinforced by insensitive

[150] This analysis will not be restricted to Tak province, unless indicated differently.

comments of politicians (Caouette et al. 2006: 56). The following quotes are extracts from interviews with respondents and in Thai newspapers which demonstrate this point:

> "Respondent: *There was a burglary here recently. People who live across the street heard a noise. A person thought they were asleep and broke in. The neighbours then made noise and the Karen guy ran away.* Interviewer: How do you know that it was not a Thai person? Respondent: *I don't know, it happened at night, and it was raining. I assume it was a Karen guy since they shave their heads. (...) If they commit a crime, they just flee across the border, so it is difficult to trace them. They have no cards, they are not under Thai law"* (Interview with Thai shopkeeper, Mae Ramat, October 1, 2007).
>
> "*Prime Minister Samak Sundaravej said yesterday the navy is exploring a deserted island to place Rohingya, a Muslim ethnic minority group from Burma who illegally slipped into the country (…) 'To stop the influx, we have to keep them in a tough place. Those who are about to follow will have to know life here will be difficult in order that they won't sneak in,' he said*" (Nauam 2008).
>
> "'*Police have no information on the number of these migrant workers, their identity, or whereabouts'. He (deputy commander of Chiang Mai provincial police) advocated a special zone be set aside to accommodate migrant workers. 'We're dealing with a time bomb. We must defuse it before it explodes into a greater problem,' said Pol Col Dinai*" (Fry 2009).
>
> "*An influx of illegal Burmese migrant workers following the Songkran festival last month has triggered a security crackdown. (...) Col Thanongsak said illegal migrants jeopardise national security. Some may have slipped in to work but later joined criminal or narcotic gangs. (…) Some Burmese migrants choose to stay near the border in*

Mae Sot district to develop their labour skills and save money before taking up jobs in other provinces. This is why the Thai population in some border villages is dwarfed by Burmese" (Kheunkaew 2009).

This constant negative portrayal has a negative effect on the public opinion, which is indicated by a surprising finding of a study by USCRI and ABAC (2007): income and educational levels seemed consistently *negatively* correlated with progressive or liberal attitudes toward refugees. The more people read and look for information, the more negative their attitude towards the Burmese (even when explained what *forced* migration means)[151]. In contrast, working class people and people with only high school diplomas were found to be more positively oriented towards refugees, whereas it is commonly assumed in literature that these groups will have more negative attitudes towards refugees because they are the ones competing with them for scarce resources (Chambers 1986; Salehyan and Gleditsch 2006: 9).

Another argument often stated about the impact of Burmese self-settled refugees on the region is that they spread diseases and overburden the local health system. A Thai camp commander even saw the 'spreading of epidemics' as *the* most important argument against self-settlement in a certain zone: "*A designated zone of residence is a good idea. But refugees still need to be separated from Thai people somehow, since they need to be controlled by the Ministry of Health. We need to control for epidemics"*[152]. Local leaders thus tend to see this 'health impact' as a security issue. To some extent, the Burmese population is indeed more prone to diseases than better-off locals, due to their flight and bad working and living conditions. However, the real problem lies in access to health care and treatment. While everyone is in theory allowed to access health centres on humanitarian grounds, in practice there are many difficulties. First of all, only registered foreign

[151] Of course, by no means I want to imply that all educated Thais are racist. There are also Thai activist groups working towards better recognition and treatment of illegal and hill tribe people, or Thai organisations who work with Burmese victims of human trafficking and prostitution, as well as Thais who strongly react to the expulsion of boat refugees (see Section 6.2.3). But the overall trend, as felt by the refugees themselves and as expressed by Thai respondents in this and other more extensive research on this subject (USCRI and ABAC 2007), tends to be one of xenophobia.

[152] Interview with Akarapun Poonsiri, Mae La camp, October 1, 2007.

workers can benefit from the THB 30 health scheme, which is a system introduced by the Thaksin government in 2001 to improve access of poor people to hospitals. However, the family of registered workers and non-registered workers (as well as homeless Thais) are not included in this system. The doctors on duty thus have the choice to either ask the full cost of the treatment (which most cannot afford), not treat the patient, or treat the unregistered patient for free, in which case they pose a burden on the health system. Still, the enormous increase in the number of patients cannot be attributed to the refugees alone, since the introduction of the THB 30 health scheme led to an enormous rise in the number of patients throughout the country (Chandoevwit 2003: 30). Even if treatment were free though, the fact that this is an illegal population brings additional problems with it, as explained in Section 4.4. This kind of 'health impact' can thus only decrease if the policy concerning access to health care and treatment changes, and there are some signs that this is indeed occurring. The Thai Ministry of Health has for example developed a 'migrant health strategy', part of which is the idea to work with community health workers who can act as go-betweens and translators at the same time (Kerdmongkol and Suwanpanmani 2008).

Whereas this issue featured much less in interviews with Thai respondents, the largest impact on the security, at least on the border, actually does not come from the refugees, but from the armed conflict inside Burma. In the past, the refugee camps have been attacked by the DKBA (see Section 3.3.1), during which several Thai people were killed as well. While these large-scale attacks have not occurred since 1998, occasionally the war still spills across the border. In 2001 for example, the dry season offensive of the Burmese army against Shan State Army-South spilled over into Thai territory, causing many people to flee their homes and Thai soldiers to shell the Burmese side of the border (Grundy-Warr and Wong 2002: 113-114). More recently, there were again skirmishes between the KNU and the DKBA in the area neighbouring Umphang and Phop Phra district of Tak province. As a result, Padee village had to be evacuated since it was located just across the river from the battle (Saw Yan Naing 2008b). Thai soldiers and rangers had to be called

in to protect the evacuees and be present in case any troops would want to cross the border (Supamart Kasem 2008). The next clash in the same area occurred only shortly afterwards, in November-December 2008 (CCSDPT-meeting November 12, 2008). Shells landed on both sides of the border, wounding several Thai people. While these skirmishes have resulted into an extensive control of the cross-border area by the DKBA, it is unlikely that their victory will be the end of the problems. On the contrary, the DKBA apparently wants to defeat the KNU in Thailand as well and has threatened 'to take out Nu Poh camp' (CCSDPT-meeting January 21, 2009, internal document). Therefore, the residents in Nu Poh camp were very worried and slept with their bags packed, in case they would need to run again. The security of both the refugees and the Thai locals in these border villages is thus continuously affected by the war inside Burma, partly because the refugee camps are not entirely humanitarian in character. Still, as was explained in Section 3.5.1, there is certainly not the refugee warrior phenomenon which occurred in the past on the Thai- Cambodian border or in for example Zaire.

Next to the direct contentious politics, the impact of indirect contentious politics such as large demonstrations or political violence, is also foremost felt by Thailand. As a result of the violent actions in the Burmese embassy and the Ratchaburi hospital by armed Burmese opposition forces in 1999 and 2000, the bilateral relationship between Burma and Thailand deteriorated sharply (as explained in Section 5.2.3). After those events, and with the coming into office of Prime Minister Thaksin Shinawatra, the RTG wanted to curb the Burmese opposition as much as possible. However, in 2003, large-scale demonstrations nonetheless occurred in front of the Burmese embassy in Bangkok, after the Depayin attack on Aung San Suu Kyi. Thaksin was clearly displeased and stated: "*The Burmese are entitled to stage protests against their government in camps we provide. They can say what they want. But it is not right that they come to Bangkok and protest. We do not like any situation we cannot control*" (as quoted in HRW 2004: 9). The spokesman of the foreign minister added: "*They are not supposed to be able to engage in political activities that would affect relations with other countries. They are here as guests*"

(quoted in HRW 2004: 20). Refugees, and certainly the political activists and insurgents among them, are thus a visible diplomatic liability to Bangkok. In fact, the fear that a costly humanitarian assistance programme would be needed and that the KNU would try to establish permanent logistical bases for the resistance in Thailand were arguments for the RTG to decide in 1984 against allowing Karen refugees to set up village-like camps, unlike the Tak governor had done (Lang 2002: 85). In the end, this instruction of Bangkok was not strictly implemented, but it did signify the reluctance of the RTG to create a similar situation as with the Indochinese refugees. More recently, the arrival of hundreds of Rohingya (an ethnic minority group from west-Burma) and a new trial of Aung San Suu Kyi caused Thai Prime Minister Vejjajiva to say that the Burmese regime "*remains a hideous blight*" on the Asian map, to which the SPDC replied: "'*It is global knowledge that [Thailand] provide fertile soils to Myanmar absconders, insurgent groups and anti-government political groups,' adding that cessation of conflict in Burma 'rests on the cooperation of the neighbouring other country*'" (Smith and Wade 2009). The presence of refugees, activists and rebels thus remains very sensitive in the bilateral relationship, despite the fact that Thailand is Burma's largest trading partner. In practice though, at the local and more discreet level, there has always been a lot of space for negotiation, flexibility and accommodation, despite the official stance, as the presence of these opposition forces may also serve as a bargaining tool for Thailand as long as the political situation in Burma remains volatile (double policy for strategic reasons)[153].

Lastly, Burmese refugees could in theory also have an impact on internal politics in Thailand, as the Karen, Palaung, Akha, Lahu and Shan have an effect on the ethnic balance of the country. The Karen constitute 46% of the entire hill tribe population in Thailand (Huguet and Punpuing 2005: 63), and this percentage has increased due to the Karen refugee influx. In other cases, this has sometimes resulted in an increased confrontation of the state by previously oppressed minorities, or it

[153] This is not exceptional to this refugee situation. For example, Durieux (2000: 1) finds the same ambivalence in Tanzania: "*Geo-political considerations also explain the government of Tanzania's greater tolerance towards the Burundian refugee caseload, and possibly a more ambivalent attitude towards the involvement of this caseload in 'political' activities".*

exacerbated pre-existing ethnic tensions. Van Damme (1999: 49) for example found that the arrival of Mandingo refugees from Liberia increased ethnic tensions with the forest tribes in Guinea. An example within Europe is Macedonia, since many observers predicted during the NATO action in Kosovo that the influx of ethnic Albanians in Macedonia could lead to a civil war between Slavs and Albanians (Lischer 2000: 4). In the case of Thailand however, I have not found any evidence that their presence has heightened the political demands of the disadvantaged hill tribe people in Thailand, which was confirmed by various contacts in Thailand. Also Sang Kook (2001: 72-73) concluded that there was no support for greater Karen autonomy in Thailand nor any kind of Pan-Karen nationalism. On the contrary, Toyota (2005) claims that the RTG is even less willing to grant full citizenship to hill tribe people and resolve their ambiguous status, as it could open the door to calls for recognition of the Burmese minorities. This is contradicted by NGO staff members though, who claim that the law and policy reforms they advocate for on behalf of refugees and migrants also benefit the undocumented hill tribe population[154], so additional research will need to determine the impact of the refugee presence on the status of the hill tribe population. In any case, if there is an impact, it cannot be attributed to deliberate strategies of refugees or their organisations.

In sum, the refugees indeed have an impact on the health, criminal and political situation in Thailand, but for the large majority of the refugees this is due to reasons outside of their control. Often the elements that negatively affect the Thai population have the same negative impact for the bulk of the refugees. Only a small section of the refugees is politically active or engaged in rebel or criminal activities.

[154] Email conversation with NGO staff member, based in Bangkok, June 16, 2009.

6.2.2 Environmental and economic impact[155]

Refugees can have a large influence on the local natural environment because of their need for housing and survival: "*Deforestation occurs as refugees seek out firewood and sheltering materials, grazing land becomes denuded as refugees' herd animals strain the carrying capacity of the range, water resources cannot support greatly increased utilization and become polluted and depleted, and there is garbage and other waste accumulation around refugee camps. In addition, refugees are seen as 'exceptional resource degraders' as a consequence of their poverty, short time horizons, lack of local environmental knowledge and traumatized psychological status*" (Jacobsen 1997: 19).

While it is frequently said that the initial refugee influx causes most environmental damage, due to unrestrained deforestation and harvesting of food (Jacobsen 1997: 21) and because aid agencies are not yet efficiently organised during that first phase of the emergency, that was not the case in Thailand. The refugees trickled in over a large period of time and negotiated over land with the local population, with NGOs delivering minimal assistance. Only later on, when the security situation worsened and refugees were assembled in camps, did tensions concerning the environment arise. Village communities became urban centres as camps expanded from a maximum of 6,000 people to an average of 17,000 today (Thompson 2008: 26). NGOs have thus incrementally increased the rations to diminish the detrimental effect on the environment, but most refugees still leave the camp to supplement these rations. They forage for bamboo shoots, beans, mushrooms, fire wood, leaves for the house roof, etc. This collection of common property resources (CPRs)[156], as well as some criminal offences, have led to tensions with the local population[157], which occasionally resulted into public actions by local villagers. In

[155] Parts of this section were previously published in BREES, I. (2008c) 'Refugee business: Strategies of work on the Thai-Burma border', *Journal of Refugee Studies* 21 (3): 380-397.

[156] Common Property Resources (CPRs) are "*the resources accessible to a whole community of a village and to which no individual has exclusive property rights. In the dry regions of India, they include village pastures, community forests, wastelands, common threshing grounds, waste dumping places, watershed drainages, village ponds, (...) rivers, etc.*" (Jodha 1986: 1169).

[157] Interview with Akarapun Poonsiri, camp commander Mae La camp, October 1, 2007.

2006 for example, 500 Thai people from around Mae Sot wrote to the Mae Sot senator, asking to expel the refugees *because they are degrading the environment*[158]. As a form of compensation for this loss of territory and CPRs, particularly water, local communities receive benefits from the NGOs in the form of improved infrastructure, rice and non-food items. While the large refugee camps thus do have some impact on the environment, the tensions with the local population are usually more based on the use of CPRs, rather than on real environmental damage. This is not surprising as most refugees tend to come from areas with comparable types of forest, and are thus able to self-regulate their collection practices in a quite sustainable manner (Gallasch 2001: 35). In any case, the refugees' environmental impact is minimal when compared to commercial agriculture, forestry production and RTG-enforced restrictions on customary land use and rotational cultivation (Gallasch 2001: 2). Like in many other cases, the *perception* that refugees are the cause of certain problems thus seems more important than the objective evidence.

In contrast to these tensions around the camps (particularly around Mae La), no such problems were recorded during this research between rural self-settled refugees and locals. This is not so surprising as various studies have proven that large camps are a far bigger burden on the environment than a dispersed population of self-settled refugees is (Kok 1989; Jacobsen 1997). Moreover, the patterns of settlement not only have a direct but also an indirect effect: they set the parameters of refugees' interaction with the host community, implying that limited contact also limits the possible exchange of knowledge on local government regulations, local customary rights and collective arrangements concerning the use of CPRs (Jacobsen 1997: 26-30)[159]. Another way in which self-settled refugees can have an impact on their environment is through their need for housing, which certainly in urban areas can cause a surge in rental prices. However, local Thai

[158] Interview with Pornpimon Trichot, Chulalongkorn University, Bangkok, November 16, 2006.

[159] This argument also implies that the length of time that refugees have been displaced is not necessarily consistent with the amount of environmental damage, as during a protracted refugee situation there have been more opportunities to develop sustainable environmental management systems (Black 1995: 4-5).

respondents denied there was any problem in this regard, which is confirmed by statistics that show how rental prices actually went down by 2.4% in the period 2003-2006 in Tak province (NESDB 2007).

Even if the refugees have some impact on the economic base of a region due to their use of natural resources, the largest impact of the Burmese on the Thai economy is their potential as labourers. The Thai economy experienced a substantial transformation because of the ever increasing presence of Burmese labour, on which large segments of the economy became dependent: "*The 'miracle' development in Thailand of the 1980-1990s could not have been achieved without the cheap labor provided by illegal foreign migrants from neighbouring countries*" (Toyota 2005: 105). However, in the aftermath of the 1997 economic crisis, Burmese and other migrants were blamed for taking away Thai jobs, which resulted into large-scale deportations. After all, the estimated figure of undocumented workers in 1998 was equivalent to almost 70% of Thailand's unemployment (Toyota 2006: 2). The effect was a steep increase in bankruptcies of companies along the border, since they were incapable of finding Thai replacements for the Burmese workers (Martin 2004). Similarly, large deportations from Pai district (close to Chiang Mai) in 2003 resulted in a shortage of labour in the agricultural and tourism sector (Vicary 2005: 58-60). These findings already indicate that the protective measures were ineffective and that there is no substantial evidence for the discourse that the Burmese people have a negative impact on the country compared to the added value they bring. This was recently confirmed by a study of the ILO, which found that the net economic effect of the Burmese refugees' presence on Thailand is positive (Martin 2007). Burmese refugees make a significant contribution to the Thai economy, both directly in the form of low cost labour and indirectly, by enlarging the market for local suppliers and by attracting international aid. Many of these contributions have never been recognised, but are essential to understand the way that Thailand – like other host countries – not only encounters problems in dealing with an influx, but also substantially benefits from the refugees' presence. The impact of the refugees on

the Thai economy in general as well as on the local political economy in the border region will be expounded in the following sections.

Impact of refugee labour on the Thai economy

The Thai economy is in desperate need of foreign labour, mostly in the labour-intensive sectors. This is clear from the official request for 1,333,703 foreign workers by Thai employers in June 2006, of whom 1,051,577 were Burmese, the others being Laotians and Cambodians (MAP 2007). Many Burmese are employed in the textile and fishing industry as well as in agriculture, which coincides with important exports: textiles and footwear, fishery products, and rice and rubber. Certainly these sectors need cheap, foreign labour to retain their competitive position in the international market (Revenga 2006: 40-41), and the low prices of these products keep the national inflation rate low (Rukumnuaykit 2009: 6). In addition, Burmese people often work in the construction and the domestic sector, as well as in the tourism and catering industry. Martin (2007) calculated that, if migrants are as productive as Thai workers in each sector, their total contribution to output would be around US$ 11 billion, or 6.2% of Thailand's GDP. If they were less productive (e.g. only 75% of Thai worker output), their contribution would still be in the order of five per cent of the GDP.

This dependency on foreign labour is not likely to change any time soon as the fertility rate of Thailand is declining while the education of the younger generation is rising, which leads to a preference for skilled jobs. To increase the eagerness of Thai employees to work in labour-intensive sectors, more investments in technology would be needed, which is not likely to happen:

> "*Investment in labor-saving technology as a means to reduce demand on unskilled labor does not appeal to most employers in the sectors where migrants work. In construction, Thailand already has a relatively high level of labor-saving technology, and the need remains for skills that cannot be performed by machines, such as welding and*

> *laying cement. For smaller companies, the costs of introducing labor-saving technologies are considered prohibitive. (…) In the face of a lack of strong incentives by the government, it can be expected that employers will delay as much as possible substituting machines for imported labor"* (Caouette et al. 2006: 44-45).

The RTG is not giving incentives to replace foreign labour by improved technology, on the contrary. The use of migrant workers is actively encouraged by the RTG as one of the incentives for economic decentralisation, which was necessary to diminish the over-concentration of development in and around Bangkok (Maneepong 2006). The idea was to promote export-oriented, multinational enterprises in border zones as key agents of industrial development. As such they would become regional growth poles and reduce local poverty. Therefore, labour-intensive industries were encouraged to move to border towns with investments in infrastructure, soft loans, tax benefits, *and the available migrant workers as a cheap labour force*. Through registration systems, foreign labour could be hired officially, which does require quite some organisation and budget: "*The Ministry of Labour devoted 124 million or 13 per cent of its 951 million baht budget for the fiscal year 2007 to the management of migrant workers"* (Martin 2007: 6).

In general, within their sector of employment, migrants are working in some of the least attractive jobs. These 3D jobs were previously filled by Thai workers. However, economic growth, the changing demography, the extension of basic education to secondary schools and subsequent changing preferences, together with the increasing availability of foreign labour facilitated the exit of Thais out of these jobs (Chantanavich 2007; Martin 2007). One could argue that the Burmese push unskilled Thais out of the market by accepting lower wages, but then this would be borne out by a rise in unemployment rates in areas with a large influx of refugees compared to areas with fewer refugees. Statistics demonstrate, however, that the unemployment rate in Tak province, where three of the camps are located and most of the refugees cross the border, stands at 1.3%, which is equal to the national unemployment rate (UNDP 2007). Vicary (2003b: 18) comes to a similar

conclusion: "*Unemployment in Thailand is concentrated in young people with low levels of education, that is people with very similar characteristics to migrant workers. However, the provinces with the highest unemployment rates have the lowest and very small numbers of migrant workers"*. Using statistical calculations, Bryant and Rukumnuyakhit (2007) also conclude that the foreign workers do not have a detrimental effect on the employment rates of Thais. However, their study did find that migrant workers depress wages by 0.1 to 0.2 percentage points. They attribute this 'double effect' to the fact that there is no enforced minimum wage and that Thai people cannot afford to withdraw from the work force. Martin (2007) disagrees with this conclusion though, saying that the wage effect very much depends on the elasticity of the labour curve of a certain sector, the possibility of additional, labour-saving investments and the particular geographical area. There might thus be a wage effect, but it will be very small, and it is easy to see that the revenues of this wage reduction do not go to the refugees but to the Thai employers. What is more, Rukhumnuaykit (2009: 11-12) argues that Thailand will actually need additional foreign labour in the future: "*With an extremely low unemployment rate (about 1.4 per cent in 2007), and a relatively high labour force participation rate (70 per cent), Thailand is expected to encounter severe labour shortages in the near future (…) Initially, the migrant workers can help alleviate the labour shortage. However, if economic expansion continues, the gap between demand and supply of labour is expected to widen. Thus the pressure for effective management of migrant workers will intensify in the long run.*".

Next to the refugees' contribution in the form of low cost labour, the economy benefits substantially due to the extension of the market. Certainly the numerous self-settled refugees enlarge the market, by consuming local goods and generating a demand for so-called 'spin-offs' (Guarnizo 2003): Burmese products as well as communication and transport facilities, to keep in touch with their family in Thailand, Burma or the wider diaspora. Martin (2007: 14) calculated that a total of 1.8 million foreign workers who would remit half of their money, would still increase the Thai GDP by US$ 2 billion. Furthermore, while refugee workers earn

too little to pay normal taxes (which would require a minimum wage of THB 8,300 per month), they do pay VAT taxes on the goods and services they buy in Thailand as well as registration costs if they receive a work permit (THB 500 million in fiscal year 2006) (Martin 2007: 23-24). These fees are deducted from their wages, and come down to paying 8.3% of their wages to the Thai state in taxes. In addition, even camp refugees extend the local suppliers' market as Thai goods can be sold at the gate (e.g. Mae La camp), or transported far into the camp with trucks (e.g. Mae Ra Ma Luang camp). In all the camps there are refugee businessmen who manage to strike deals with nearby bigger markets for wholesale quantities of food, which are later redistributed through little shops in camp (see Section 4.2). As their lack of legal identity cards blocks any access to financial capital from banks, they resort to informal ways of borrowing money to set up businesses, as poorer Thai people do. They borrow large amounts from Thai moneylenders to buy stock, only keeping minute profits for themselves.

Regardless of the real impact of refugees on Thailand, Bangkok needs to reconcile conflicting demands of employers and other constituents, which results into contradictory policies on migration, labour, development and security (as explained in Section 3.3.2).

Impact of refugees on the local political economy

Another stakeholder in the labour context are the local powerholders. Provincial governors, district officers, army and camp commanders need to adapt the refugee and migration policy to local circumstances, in which access to work for illegal entrants is essential for both the Thai population and the Burmese refugees. Local and regional leaders realise the need for foreign workers in their area, not in the least because of their close links to powerful employer lobbies such as the Chamber of Commerce and the Federation of Thai Industries. As their members are large contributors to the local economy, the employer lobbies have considerable local media coverage and political influence. This phenomenon is widespread: "*As*

elsewhere, money plays a decisive role in Thai electoral politics, and individual business people are able to exert substantial indirect influence over state policy outside the formal channels of public-private sector consultation. (...) Political parties benefit significantly from donations given by businessmen engaged in lucrative clandestine trade with Burma, Laos and Cambodia" (Battersby 1999: 483). Politicians and businessmen are thus closely related, which implies that even unregistered refugee work is in practice tolerated. On the other hand, there are nonetheless arrests and deportations, as local government leaders want to be seen as complying to some extent with national rules, and since the RTA has a lot of influence concerning border and refugee matters and may decide to push refugees back. Usually, these deportations have little impact on the overall local economy though, unless they are as large scale as in 1998.

The value of the Burmese refugees is very clear in Mae Sot, which has been transformed from a mere trading post into a sizeable industrial zone with a booming economy. This transformation can be attributed to several factors, amongst which is the presence of refugee workers. Other factors are the inclusion in the RTG's border development scheme (Maneepong 2006; Lubeigt 2008), its location on the Asian Highway[160] and the situation of the KNU/KNLA across the border:

> "*I arrived in Mae Sot in 1973, and then Mae Sot was very small. Business was done through the KNLA territory, while there was much less activity in Myawaddy* (Burmese border town in hands of SPDC, ed.)*. All business went through two Karen camps, located on both sides of the border, and a few big brokers would buy the goods. They would then sell these goods to us. Myawaddy started to grow only later on, when the KNLA lost territory and the authorities tried to stop*

[160] The Asian Highway is a project which aims to promote the development of international road transport in the region. The project was initiated in '59, but slowed down after 1975 (UNESCAP 2009). It has regained attention more recently, and in 2003 an intergovernmental agreement has been signed in Bangkok to continue the project. Currently, the network consists of 141,000 kilometres of standardised roadways crisscrossing 32 Asian countries. Many links are still missing though, due to lack of funding (US$ 18 billion short), and various other problems in different countries (e.g. insurgencies).

> *illegal trade. Now people are more free to travel, and there are many traders and less big businessmen. Now we only do like one or two lines, not like a department store that does everything as in earlier times".*
>
> (Interview with Ekasith Rassamisethi, trader in garment, Mae Sot, December 15, 2006)

Of course, the growth of refugees in Thailand coincided with the loss of territory of the KNU, hence these factors are all connected. Certainly garment factories and agriculture flourish in Mae Sot, using Burmese labour while avoiding the problems of sanctions that would arise if they settled inside Burma. The case of Mae Sot proves Wilson's point (1992) that an influx into formerly under-populated areas benefits the host country, if this area is under the control of the host government and if the infrastructure allows connection of the local/regional economy with the national economy. Local people admit that the manpower of the Burmese was essential to boost industry and agriculture: *"There are simply not enough Thai workers in Mae Sot. Thai people are landlords, they want to do different jobs. If we didn't have migrant workers, the Mae Sot economy would be destroyed. There are maybe 100 factories here, and nearly 100,000 migrant workers. If they all went back to their country, we would have a big problem"*(Interview with local businessman, Mae Sot, October 3, 2007).

Local labour needs were filled, which led to local industry expansion and an expansion of the consumer base[161]. However, these export-oriented sectors and the use of foreign labour promoted by Bangkok are not directly beneficial for the local population since there are limited linkages to the local economy (Maneepong 2006). The decentralisation move has thus tended to benefit overall national competitiveness, but not necessarily the economic growth of the local indigenous economy. Nonetheless, in contrast to popular discourse, not only large factories benefit from the presence of the refugees. Local people in the border regions have

[161] Similar results were found by Nancy Eberhardt (2007, 2008) for the influx of Shan refugees in Mae Hong Son province. Their work as foreign labourers, together with an enormous push for rural development by the RTG, ensured a large transformation of the local economy.

been hiring Burmese people for centuries, seasonally for agriculture or the whole year through in domestic work and the services industry such as laundry and cleaning. They can even contact the camp committee about the number of camp refugee workers that they need for farming or infrastructure projects. Moreover, the work of Burmese people as domestic servants helped the entry of Thai women into the labour market. Therefore locals do profit from the increased labour potential, even if this has little to do with the decentralisation move of Bangkok.

While the direct contributions of the refugees in the form of labour are most important, the refugees ensure an indirect effect as well. The mere presence of the refugees generates benefits for the Thai people in the area, due to the way they attract international attention to regions that are normally lost to the public eye. The refugees attract aid agencies and their staff and resources, which is also important for the vulnerable local people in these border areas. In fact, the zones where the refugee camps are located are amongst the least developed in Thailand. Tak and Mae Hong Son provinces are the last two of 76 Thai provinces in the UNDP Human Achievement Index (UNDP 2007). This means that they score badly on poverty, health, education, housing, road system, transportation, etc. Therefore it is necessary that NGOs simultaneously relieve local people from the additional pressure caused by refugees, which is also required by the Thai MOI. Most NGOs thus have a 'Thai Community Support' component to their program, which is a budget allocated to development/relief projects in needy Thai communities in the areas surrounding the camps. For example, TBBC dedicated approximately THB 16 million to Thai communities in 2006[162], in the form of goods such as mosquito nets or blankets, as well as rice banks[163]. In addition, roads in deplorable conditions are upgraded by international aid money, which opened up entire areas, locals now have access to the camp clinics, etc. Even the Thai authorities themselves receive supplies from NGOs such as food, office supplies and building materials, to fulfil their job if that job is somehow related to the refugees. Of course, these supplies need to be purchased from Thai businessmen- sometimes local businesses,

[162] Email communication with Justin Foster, Program Support Manager TBBC, March 22, 2007.
[163] Interview with David Curmi, Field Coordinator TBBC, Mae Sariang, January 19, 2007.

sometimes companies in other areas of Thailand if local suppliers cannot provide the quantities needed. To give an idea, the TBBC, which is the largest NGO on this border in terms of operations, paid approximately THB 831 million (US$ 24.3 million as at January 2009) to Thai suppliers in 2006[164]. In addition, these NGOs provide jobs for local staff and spend a lot of money in the country on office supplies, work visas, transport, property rentals, and more. The local population thus clearly benefits due to the extension of the consumer market by both camp and self-settled refugees and humanitarian agencies. As Crisp (2003: 9) argues: "*Refugees can certainly have a disruptive effect on host communities, especially in the early days of an influx. In the longer term, however, the presence of refugees and humanitarian agencies would appear to have a catalytic impact on local trade, business, transport and agricultural production"*.

Local law enforcement personnel also have a stake in the refugees' presence: "*Government officials, especially police, exploit the situation, demanding tea money both from business establishments and from legal as well as illegal alien workers. Some of them even facilitate or undertake human trafficking themselves"* (Asia Research Centre for Migration, as cited in Martin 2004: 36). The refugees' illegality and subsequent vulnerability indeed bolsters corruption, which is an (again unintended) negative transformation of the local economy. Refugees have to pay bribes to police, the military, border patrols, immigration officers and others. Bribes vary from a few hundred to thousands of baht, putting refugees deeply in debt to anyone who paid for them. In addition, employers pay 'tea money' to be left alone. Contrary to what one would assume, the dusty border town of Mae Sot is thus a very popular station for policemen, as it is well known to be a lucrative posting.

If refugees were not accepted anymore, these large sources of income would disappear, hence it would not be in the best interest of the local government to apply the national government rules on refugees and foreign labour too strictly, for both economic and political reasons.

[164] Email communication with Justin Foster, Program Support Manager TBBC, March 22, 2007.

> *"You know, there is so much corruption. If the RTG wants us to play by the rules, they will lose millions of bath locally. They have a saying here: 'a bird has two faces'. If I hear some official statement, I always want to hear it privately again before I believe it. Only then you really know what they will do. That is their other face…"* (Interview with NGO staff member, Mae Sot, October 2007).

6.2.3 Concluding remarks

Thai public attention is focused on the impact of Burmese refugees on local health and crime, as well as on the refugee camps' impact on the environment. Over the years, dissatisfaction and xenophobia has increased in many circles. However, these feelings are fuelled by consistently negative media reports, false rumours of coalitions with secessionists in the southern provinces and a discourse on 'refugees as trouble makers' rather than the bare facts (subjective conflict). Nevertheless, the result is that the hospitality is decreasing steadily. In February 2009, the Thai army towed hundreds of Rohingya boat refugees back to international waters in boats without engine and left them there to wash ashore in another country or die (Bhaumik 2009; Jagan 2009; Brees 2009a)[165]. The national humanitarian (see e.g. People's Empowerment Foundation 2009), civil society[166] and international outcry following this event led to a more cautious attitude of the newly installed Thai government. They promised to investigate the event, meanwhile inviting UNHCR to talk to the remaining Rohingya. However, as a result, over one thousand Thais started protesting in Ranong (Thai border town in the south of Thailand) to impede that the Rohingya would be given asylum, saying that these might join the uprising in the south of the country (Lawi Weng 2009a). Also the Thai government used the

[165] This event demonstrated again how much influence the Thai military has on border and migration issues, and how little control the RTG has over the military.

[166] The new government faced this fairly popular backlash as their soft position towards the army's actions was in contradiction to their claims to be the party of human rights (Email conversation with NGO staff member based in Bangkok, June 16, 2009).

subsequent media reports to reemphasise the 'refugee burden' they had to bear and to reiterate that their maximum capacity as refugee host was reached. They did not appreciate any comments on the event by international actors inside the country, which again points to the sensitivity of the theme of migration in Thailand and the fragility of UNHCR's position in the country:

> "*The Thai government on Wednesday chastised US actress Angelina Jolie and the United Nations refugee agency for commenting on boat people from Myanmar, whom the Thai army stands accused of abusing.(...) 'Angelina was not focused on the Rohingya, but was visiting Myanmar refugee camps,' said Virasakdi Futrakul, permanent secretary of the Thai foreign ministry. (...) 'It was a coincidence that the Rohingya was a hot news issue at the time, therefore we must warn (UN refugee agency) UNHCR that they should not comment on this issue because they have no mandate on this issue.'*" (AFP 2009).

The treatment of the Rohingya influx was absolutely unacceptable, but it is correct that Thailand is already hosting a large Burmese population. Certainly when assessing the refugees' impact on security and bilateral political relations, the picture is not rosy. The mere presence of the millions of Burmese as well as the direct and indirect contentious politics put Thailand in a difficult diplomatic position towards Burma- even if the activists' and rebels' presence is strategically interesting and therefore tolerated nonetheless. Moreover, the Thai border population is severely affected by the rebellion and counterinsurgency tactics across the border. Even if most refugees are not implicated in any way in these actions but rather are victims too, these problems are attributed to all refugees. There is also an impact of refugees on the local health and health system, but a change in policy to improve access to health care could make a lot of progress in this regard.

While there are thus certainly problems due to the Burmese refugees' presence, the largest impact of the refugees is actually on the national and local economy. The increasing presence of Burmese refugees has thoroughly transformed the Thai

economy. Entire sections, notably several export industries, became dependent on foreign labour. Burmese refugees positively contribute to the Thai economy, both directly by enlarging the labour force and indirectly through an extension of the market and by attracting foreign aid. In terms of the overall Thai economy, Burmese refugees are thus more of a 'boon' than a 'burden'. Nevertheless, there may be differences in economic impact between provinces. For example, while several studies conclude that the foreign workers do not have a negative impact on Thai employment, the area around Bangkok might be an exception. In this area Burmese workers do compete for the same jobs with poor Thai nationals from the north-east of Thailand (Martin 2004). Also within provinces there can be regional differences, both on the economic and other levels. In Tak for example, the impact of the refugees' presence is very different in the town of Mae Sot, where thousands of refugees are concentrated and outnumber the Thai population, than in the hill tribe rural areas, where they live intermingled with the local population. After all, the jobs carried out in these locations are very different, and so is their contact with the local population.

Controlling the refugees and their impact on the hosting area has been a key policy concern of the Thai government. As a response to perceived and real threats, they have encamped UNHCR-registered refugees in various phases, occasionally registered parts of the self-settled refugees, and in some provinces even declared martial law to contain the Burmese in limited areas. However, what is clear from this study and research in other refugee situations, is that enforced encampment of refugees is usually not a solution to negative influences, in contrast to what states argue and hope for.

CHAPTER 7: WORKING TOWARDS DURABLE SOLUTIONS

> "*If refugee situations were temporary and of short duration, it would make sense for assistance to be focused on repatriation. Refugees could be separated from their host society and provided for by international relief agencies in temporary camps, children educated in the curriculum of their home countries and their impact on the host country minimized. But by now we know better than to believe that civil wars and intra- state conflict will be of limited duration. (…) Yet aid operations and refugee policies continue to be built around the notion of temporariness and rapid repatriation".*
>
> Karen Jacobsen (2005: 107-108)

The Burmese refugee situation is one of the most protracted in the world. While waiting for repatriation, these refugees have increasingly been warehoused in 'temporary shelters'. Only in 2005 was it recognised that this situation was unlikely to change any time soon, and resettlement programmes were established. While constituting an important method of burden- sharing, is resettlement the only solution conceivable in this case? And how long will the programme continue, given the number of new arrivals and increasing donor fatigue? What will happen with the numerous self-settled refugees? The purpose of this chapter is to look into the multiple options that could be advanced and assess their potential in this case.

First the different elements of the *Convention Plus* initiative will be explained, as this UNHCR-led effort is one of the latest developments in the global thinking about refugee protection and durable solutions. Subsequently, the durable solution of local integration and the policy regarding local integration in cases worldwide will

be looked into, in order to deduce common elements of success. This is important, given the lack of attention this option has received, both generally and in Thailand. In the third section of this chapter, the different durable solutions will be assessed for this particular case study, culminating in a policy framework for Burmese refugees in Thailand. The focus will be on innovative and challenging 'thinking outside the box' in terms of policy options, rather than going into a detailed discussion of specific laws to amend or responsibilities to attribute to ministries and these more.

7.1 Convention Plus

Under the leadership of former High Commissioner Ruud Lubbers, UNHCR extensively reviewed the approach of protracted refugee situations. While the 1951 Refugee Convention remains the foundation of refugee protection, UNHCR felt that there was a need to build on the Convention "to *clarify the apportioning of responsibilities and to promote a better sharing of responsibilities by states*" (UNHCR 2003a: 3). The process started with the 'Global Consultations on Refugee Protection', which culminated in 2002 in an 'Agenda for Protection', and this eventually led to '*Convention Plus*' (Betts and Durieux 2007: 512). The idea was to ensure more effective, consistent and therefore more predictable and reliable responses to mass influxes of refugees (UNHCR 2003b: 2; Durieux 2005: 90). This would be achieved by developing 'special agreements' in three areas that were felt to be inadequately covered in the global refugee regime, namely: the strategic use of resettlement programmes, irregular secondary movements and targeted development assistance (TDA) at RHAs. These general agreements would then be applied in specific contexts, where they would lead to a better sharing of responsibilities/burdens between states in terms of refugee protection and durable solutions (Betts and Durieux 2007: 510).

While UNHCR recognises that the solution to protracted refugee situations lies in the political arena, they are convinced that, in the mean time, development is the facilitating element of any durable solution (UNHCR 2003b: 3). To that purpose, a '*Framework for Durable Solutions*' was developed, consisting of three elements:

- Development Assistance for Refugees (DAR)
- Development through Local Integration (DLI)
- Repatriation, Reintegration, Rehabilitation and Reconstruction (4Rs)

The classic three durable solutions, repatriation, local integration and resettlement, are thus revived, in a manner that recognises the relationship between forced migration, development and conflict (Castles et al. 2005: 95). Both repatriation and local integration will be supported with development aid, and the strategic use of resettlement will be encouraged.

Pending these durable solutions, DAR needs to ensure burden-sharing, as well as improved self-reliance and quality of life of both the refugees and the host communities. After all, in 1997-2001, developing countries hosted some 66% of the population of concern to UNHCR, thus it is essential to include the host population into the programmes in order to avoid tensions (UNHCR 2003b: 6). The fact that programmes would target both locals and refugees would encourage support from bilateral and multilateral development agencies and would help in convincing host states to improve refugee rights and protection: "*Simply calling on states to respect international law and to show solidarity with refugees is unlikely to prove very effective, particularly at a time when the world's more prosperous states are closing their doors to asylum seekers. Instead, we must demonstrate that the economy and security of refugee-hosting countries will both be strengthened by means of measures that provide displaced populations with a peaceful and productive life in exile"* (Crisp 2003: 29). If refugee rights (e.g. access to the labour market) would be improved, it would decrease the strain of long term refugee camps on humanitarian budgets, which is important to convince donors in contributing to the project. Other incentives for donor commitment are the finding (or rather hypothesis) that enhancing protection in the area of origin and ensuring timely

access to durable solutions can diminish irregular secondary migration to the North, as well as reduce potential for (terrorist) radicalisation of a camp population (Betts and Durieux 2007: 522-524). From the refugees' point of view, DAR can enhance the sustainability of any of the durable solutions: "*A refugee who has led a productive and meaningful life in exile is much more likely to have the resourcefulness, capacity and confidence necessary to successfully embark on a new stage of life*" (Castles et al. 2005: 96). In sum, the idea is to have a refugee regime based on 'common but differentiated responsibility- sharing' (Betts 2009: 11), which would lead to gains for all stakeholders[167].

Regrettably, by the end of the Convention Plus initiative in November 2005, it had become clear that many of the initial aims had not been reached, an important reason for which was the polarisation of the debate concerning the TDA and the irregular secondary movement along North-South lines (Betts and Durieux 2007: 514). Certainly the coupling of the search for durable solutions to speedier asylum processing and the introduction of 'safe third country' rules received quite some critique from various angles (Castles et al. 2005: 95). However, the Head of the Convention Plus Unit, Jean-François Durieux, argued that these elements had to be included because when seeking to facilitate the sharing of responsibilities, it is not only about protection of refugees and asylum-seekers, but also about the identification of refugees and the processing of their claims (Durieux 2005: 90). In any case, of all these subjects discussed during the Convention Plus initiative, the Framework for Durable Solutions is of greatest interest to this study. In particular, the two most often cited 'success cases' that served as a source of inspiration for this framework and that were used to convince states of the TDA-approach will be analysed in detail in the next section, namely the Zambia Initiative and Uganda's Self-Reliance Strategy. This will be followed by a discussion of other case studies of

[167] Many of these ideas are not entirely new, but are an important renewed effort of UNHCR to use lessons of past practice regarding refugee self-reliance and durable solutions for contemporary circumstances. Notably the Indochinese Comprehensive Plan of Action (CPA) and the International Conference on Central American Refugees (CIREFCA), which built on issue-linkage to convince host states and donors to support the project, were important sources of inspiration for Convention Plus (Betts 2006a).

local integration, all of which will serve to inform the framework developed for the case of Burmese refugees in Thailand.

7.2. The promotion of local integration as a durable solution

Of all the durable solutions, local integration has been promoted least at the official level in cases of mass refugee influx. Rhetorically, it has always been a guiding principle of refugee programmes, as it is firmly rooted in international refugee law due to its mention in the 1951 Refugee Convention. Local integration is an essential durable solution, as repatriation is often a distant option in cases of protracted conflict, and resettlement is unattainable for the great majority of the refugees. However, in practice it is hardly ever promoted, as the host government is usually against this option. Why is that?:

> "*because earlier efforts to promote local settlement and self-reliance in Africa's rural refugee settlements had achieved very limited results; because refugees were increasingly regarded as an economic and environmental burden on the countries which hosted them; because African countries with large refugee populations felt that the burden they had accepted was not being adequately shared by the world's more prosperous states; because many refugee-hosting countries in Africa had declining economies, growing populations and were themselves affected by conflict, instability; because refugees came to be regarded (especially after the Great Lakes crisis) as a threat to local, national and even regional security, especially in situations where they were mixed with armed and criminal elements; and because the post-cold war democratisation process in some African states meant that politicians had an interest in mobilizing electoral support on the basis of xenophobic and anti-refugee sentiments"* (Crisp 2003: 3-4).

Other important reasons are the assumption that refugees will repatriate faster if they do not get the permission to freely settle, and because donors are not interested in long term integration programmes which make refugees less visible (Fielden 2008: 3). Moreover, this option may be hard to accept by refugees who are focused on return. As a result, a hierarchy of solutions has come into existence, with voluntary repatriation as the favoured option and encampment in the mean time.

Nonetheless, it is common knowledge that most refugees do not live in refugee camps, but self-settle instead. This usually entails that they are not eligible for protection and/or assistance. As a result, self-settled refugees need to find their own ways to cope with the (often) rights-restraining context, and will integrate to a certain extent to achieve better livelihood outcomes. A full process of integration involves economic, social and structural integration, of which legal integration is a part. Only when these different forms of integration are fulfilled, has a durable solution been reached for a particular refugee. Is there a role in this story for UNHCR? Is it überhaupt possible to promote local integration, or has local integration only worked in cases where it occurred spontaneously? Are there common features in situations where local integration of refugees was successful? This section will seek to answer these questions.

The two most recent examples which have frequently been mentioned as success cases of policy-led integration are Uganda and Zambia. The first project serves as an example of the Convention Plus-mechanism of DAR, the second of DLI. In these cases, the host government and UNHCR tried to match the needs of the refugees and the impoverished local population, and development partners were involved in the project.

Uganda's Self Reliance Strategy (SRS) was designed in 1999 by the Ugandan government and UNHCR, and focused on the districts of Adjumani, Arua and Moyo. The idea was to diminish parallel services and move from relief to development (Dryden-Peterson and Hovil 2004). Instead, local services would be improved and made accessible for Sudanese refugees. The area was considered a good test case,

as refugees and hosts shared ethnicity, culture and language and many local hosts had previously been refugees as well, thus there was a sense of reciprocity (Jacobsen 2005: 74). On an economic level, refugees would learn to support themselves within agricultural settlements with minimal external support (Kaiser 2006). Assistance would thus gradually be phased out as communities became increasingly independent (Hovil 2002: 5). The refugees were supposed to be self-reliant by 2003.

In Zambia, a policy was designed in 2002 to facilitate local integration of refugees, by focusing on the development of both locals as well as Angolan refugees inside and outside camps. The project came to be known as 'the Zambia Initiative'. The goal of the project was to simultaneously enhance poverty reduction, as well as empowerment and self-reliance/integration (terms used interchangeably) of refugees pending durable solutions (UNHCR 2002b). The priorities of development were set by the communities themselves on agriculture, health, education and infrastructure. The initiative would be supported by flexible funding of various donors, allowing contributors to select the elements to fund which aligned most with their priorities and interests (Betts 2005: 10).

Clearly, both approaches are trying to bridge the relief-to-development gap and enhance burden-sharing. They are focused on integration, going from a basic form of economic integration (DAR), to a supposedly full process of integration (which is what DLI stands for). The means to convince the host government to achieve this goal is through an improvement of local development, as this equally benefits the local population. By targeting development aid at a RHA, it would be possible for the local and national government to see the refugees as contributors to development, instead of destabilising burdens that need to be kept in closed camps. However, both approaches contend with substantial shortcomings. While the Kiryandongo settlement in Uganda is often mentioned as a successful case of the SRS-approach (see e.g. UNHCR 2006a: box 6.1; De Vriese 2006: 8), Kaiser (2006: 616-617) disagrees, stating that this has little to do with the SRS-policy, but rather with the fertile soil of this settlement and its better location, in a safe area, close to

a main trading centre. The contrast with some other settlements in terms of achieving self-reliance lies therefore not in policy, but in their unfavourable conditions such as soil erosion, irregular rainfall, lack of sustainable farming practices and physical insecurity. As a result of the increasing soil erosion in several of the settlements (Hovil 2007: 600), which occurred simultaneously with the removal from assistance rolls, many refugees were actually more destitute after their so-called 'self-reliance'. The SRS was thus more about combating dependency through cutting rations, than about creating the appropriate conditions for refugee self-reliance (CASA consulting, cited in Meyer 2006: 14) or ensuring refugee involvement and representation in the political space of development planning (Meyer 2006: 9). Another problem was that the project did not go beyond an integration of services, and had to cope with a lack of funding (Betts 2006b: 512), while previous experiences have shown that increasing refugee self-reliance initially requires *additional* financial inputs. Therefore, everyone who was able to leave the SRS-settlements did so: "*The fact that those refugees with access to any form of external capital tend to leave them, is not a promising indicator of the development capacity of settlements. The fact that these people are then no longer counted as refugees hints that developmental success by refugees is welcome not on any terms, but only within the parameters set by the settlement system*" (Kaiser 2006: 618).

Also the Zambia project is not as successful as often portrayed (e.g. in De Vriese 2006: 15-16). After all, the local leaders in the Western province actually preferred repatriation of refugees (Fielden 2008: 11-12), and this feeling was clearly shared by the refugees themselves who repatriated *en masse* in 2002 (UNHCR 2006a: box 6.1.). But even the residual caseloads were then still considered too numerous by the host government to stay permanently (Fielden 2008: 12). Therefore, I tend to disagree with calling the Zambia Initiative an example of the DLI approach, as analysts usually do (see e.g. UNHCR 2006a; Jacobsen 2005: 101). After all, the DLI approach is supposed to work in countries where the state is in favour of gradual integration of refugees and thus of granting them progressively the Convention

rights, leading to permanent residence rights, and perhaps ultimately citizenship (UNHCR 2003b: 19). As these elements are not present within the Zambia initiative, I tend to see this case as an example of DAR, not of DLI. Moreover, the Initiative model was very much top-down, which led a group of refugee experts to agree that whatever self-sufficiency had been achieved, was through the agency of refugees, rather than the DAR/DLI-approach (Betts 2006b: 512).

Of course, the integration of services and improving infrastructure in RHAs, which did occur in both cases, are important elements of local integration, as functional issues such as access to education and health services are essential for refugees. But integration of individuals requires a lot more than a technical integration of services, namely an economic, social and legal process (Crisp 2004: 1). There is an inherent contradiction in trying to achieve local integration of individuals, while keeping them physically segregated in settlements or camps (Uganda): "*The goals of local integration (...) and local settlement are often incompatible. In the former the objective is to create a conducive atmosphere which could pave the way to integration (permanent solution), while in the latter case the objective is to segregate so that refugees do not become members of the host society*" (Kibreab 1989: 470). However, neither of the two host governments really considered local integration of refugees a *durable* solution. They regarded it as an intermediary option. Therefore, the problem may simply be that these approaches were called frameworks to achieve refugee integration, while they are actually about increasing self-reliance pending other solutions, without meanwhile increasing tensions with the local population. But even in improving self-reliance of refugees, initiatives would need to deal with the security and the legal status of refugees as well as discuss refugee rights, since spaces for the exercise of agency are central to achieving self-reliance (Jacobsen 2005: 76; Horst 2006a:19; Polzer, quoted in Meyer 2006: 27). Without those basics, it is quite impossible for refugees to be self-reliant in a sustainable way. Trying to improve refugees' self-reliance by denying them freedom of movement (both cases) is paradoxical: "*First, the principal self-protection strategy available to poor and marginal populations in situations of*

insecurity is mobility. (…) Second, if the ultimate objective is the socioeconomic development of refugee communities and their Ugandan hosts, it makes little sense to deny them access to a range of economic activities" (Kaiser 2005: 361). Without addressing the structural constraints of at least economic integration of refugees, these approaches only pay lip service to refugee integration. If refugees would be able to travel, live and work freely (perhaps within a certain Zone that has sufficient economic opportunities), while the DAR-initiative would lead to improved infrastructure and services, both the locals and the refugees would benefit. These ideas are the basics of Jacobsen's '*Designated Zone of Residence*' (Jacobsen 2005: 91-108)[168], which the SRS and the Zambia Initiative do not attain yet. Still, as projects in which the host government and UNHCR worked together to support the livelihoods of refugees and locals, while trying to link relief and development, both projects set important precedents.

In contrast to these much-published and discussed cases, Serbia is a less well-known, yet a more successful example of the DLI- and DAR- approach in case of a mass influx (over 275.000 refugees). The government of Serbia included refugees in their Poverty Reduction Strategy Paper, there is joint planning with UNHCR and development agencies, and perhaps even more importantly: the legal pre-conditions for local integration are very favourable, since refugees have the right to land, employment, services, freedom of movement, opportunity to apply for citizenship etc. (Tournée 2004). Therefore, the DLI- approach has a real potential to succeed in this case. Only in some areas with a non-Serb local population was repatriation preferred over integration, in which case the refugees' self-reliance and regional development were supported with a DAR-approach.

[168] The idea is to allow freedom of movement and access to work and services for refugees in a certain Zone, through the provision of documentation, while travel beyond this zone would be possible with permission. The refugees would have their economic and social rights assured, while at the same time the services of the host country would be improved for both refugees and the host communities in the Zone, leading to development of the RHA. Restricting residence to a certain Zone was deemed necessary by Jacobsen because of the political reality in many host countries today, who increasingly want to restrict refugees and asylum-seekers and control them. At the same time, a designated zone can be to the benefit of the refugees, as there will be 'protection by presence' of the aid agencies and UN organisations, who can keep an eye on their security and identify special needs.

There have also been other projects and policies which supported refugee self-reliance and/or integration but were not necessarily coupled with development aid (table 6). Examples vary from giving access to work while holding on to encampment, over allowing freedom of movement and giving permanent residence permits, until the granting of citizenship. Often the host government will treat different groups of refugees in various ways, depending on their number, the length of time they have been present in the host country, and the compatibility with the local population in terms of language, culture and ethnicity. Only the most favourable treatment is presented in the following table.

Table 6: Policy supporting self-reliance and/or integration

RIGHTS FOR REFUGEES	COUNTRY
Access to work	Mozambique, Sierra Leone, Uganda, Zambia
Freedom of movement and access to work in certain zone	Cote d'Ivoire
Freedom of movement and access to work	Sierra Leone, Nepal, Pakistan, Egypt, Ghana, El Salvador, Nicaragua, Belize
Temporary stay permit	Mozambique
Permanent residence	Angola, Mexico, Turkmenistan, China
Citizenship/naturalisation	Guinea, Tanzania, Mexico, Kirgistan, Turkmenistan, India, Armenia, Serbia

Sources: Kok 1989; Dick 2002; Kuhlman 2002; Banki 2004; Tournée 2004; Jacobsen 2005; Grabska 2006; Kaiser 2006; Betts 2006b; Fielden 2008.

More often than not however, integration occurs in the absence of any state policy on integration, or despite a policy that is against integration. Worldwide, there are numerous cases of unsupported self-settlement and de facto integration: Sudan (Bulcha 1988; Kok 1989), Guinea (Van Damme 1999: 38), Zambia (Bakewell 2000a), Uganda (Hovil 2002, 2007; Machiavello 2003; Dryden-Peterson and Hovil 2004; Dryden-Peterson 2006), Côte d'Ivoire (Kuhlman 2002), Kenya (Banki 2004; Campbell 2006), Gabon (Fielden 2008: 7) and Thailand (Brees 2009d). These examples are just the tip of the iceberg. As Fielden (2008: 1) notes, "*local integration is actually not a forgotten solution, but an undocumented one*".

Is there a role then in this story for UNHCR? While UNHCR can be an important catalyst in improving the prospect of self-reliance and durable solutions, including local integration (e.g. at the time of CIREFCA (Betts 2006a)), this is not always the case. There have been interventions intended for refugee assistance which have constrained refugee rights, for example by enforcing encampment even if conditions were favourable to integration, or by creating tensions with locals due to the set-up of parallel services (Van Damme 1999; Verdirame 1999; Bakewell 2001; Kuhlman 2002). A major reason for this is the tension between UNHCR's core mandate, protection, and the requirements of an effective aid provision mechanism. This dual mandate can cause conflicting interests: "*The management of aid demands targeting and possibly encampment, whereas the best protection for refugees may demand local settlement and different forms of aid delivery*" (Bakewell 2001: 4). In cases where aid is only provided in refugee camps, self-settled refugees often have no practical way to avail themselves of UNHCR's protection. It is therefore not surprising that several studies have found that protection and assistance by UNHCR are not the most significant factors in refugee integration. In fact, in some cases it is the *absence* of state and international interventions that has been instrumental in facilitating refugee integration: "*When refugees decide not to live in camps but rather to self-settle and integrate, they are often not only avoiding the specific structures of the camp setting, but just as much*

the refugee label and concept itself and the involvement of external institutional actors in their lives" (Polzer 2008: 15).

In the cases where integration was successful, supported or unsupported by the host government's and UNHCR's policy, there are some common features that can be distinguished. The most important determining factor is whether refugee integration is condoned at the local level, which is often related to the similarity of refugees with the local population in terms of ethnicity, language and culture. The evidence is overwhelming. Other important factors are the numbers of refugees present (smaller groups are more quickly allowed to stay), and the length of time they have been present. Certainly for residual caseloads with strong links to the host country, and cases where refugees are de facto integrated but only miss a legal status and residence rights, the potential for local integration exists (Crisp 2003: 24). In addition, refugees may be welcomed if they bring particular skills that are useful for the host country, perform jobs which the local population neglects, move into areas where land is available, and if they attract resources to areas which are normally lost to the public eye. Put simply: if their presence brings economic potential. In these cases, refugees usually manage to negotiate access to work, housing and other essentials. This does not mean that the people concerned will embark on these negotiations as 'refugees'. Certainly if the official policy or the local population is against integration, the refugee label is hindering and other identities will be used in order to obtain certain resources, documents or rights (Malkki 2005; Hovil 2007; Polzer 2008). In those cases, it is as Polzer (2008: 15) states about South-Africa: "*In sum, those who were integrated officially were not integrated as refugees, and those who are integrating unofficially feel that their lives are better by not being recognised as refugees. Neither is therefore really 'refugee protection.'*" Having said that, state and UNHCR policy can certainly ease the way for refugee self-reliance and integration, by seeking to lift both legal and non-legal barriers (e.g. xenophobia) that hamper refugees' livelihoods and integration strategies. In convincing the host state to lift those barriers, DAR and DLI can play an important role.

7.3 What are the policy options for Burmese refugees in Thailand?: thinking out of the box[169]

Reviewing the history of Burmese refugee presence in Thailand, what is striking is the total lack of consideration of local integration as a durable solution, despite the large potential that exists in this case for local integration of a subgroup of the refugees. Only resettlement is currently officially promoted as an option. This was not always the case. For two decades, refugees, UN agencies, NGOs, host governments and donors were focused on repatriation. At a certain point in 2004, a 'gentleman's ceasefire' between the SPDC and the KNU even led UNHCR to start a pre-consultation phase for repatriation. In the same period, the UN also obtained green light to assist returning IDPs (Durieux and Dhanapala 2008: 14), thus the atmosphere was optimistic. However, the ceasefire broke down and fighting re-erupted, alongside Burmese government re-shuffles which led to a decrease in humanitarian space all-over the country, effectively delaying the option of return once again. This episode was an eye-opener for many stakeholders involved, and happened to coincide with a need for the US to fill its global refugee resettlement quota, which they preferably did with 'friendly' (and largely non-Muslim) refugee populations. Therefore, the possibility of resettlement programmes was discussed. Initially, the RTG was reserved towards this durable solution, even if group resettlement constitutes an important and uncommon form of burden-sharing (less than 1% of the world's official refugee population was resettled in the 1990s (Stein 1997)). The reason for the hesitation was the fear that the prospect of resettlement to developed countries would be an incentive to trigger thousands of people to flow into Thailand, as has been the case in the past: "*There is now a general agreement that the decision taken in 1979 to offer resettlement to the boat people arriving in South-East Asia acted as a 'pull factor', helping to create an unmanageable exodus of people (…) What began as an essential durable solution*

[169] I would like to thank Jean-François Durieux, Richard Horsey and Sally Thompson for the exchange of ideas and the insightful comments on earlier versions of this Section, but, of course, I take full responsibility for the content.

for Indochinese became part of the problem, both by perpetuating an outflow of people in search of permanent exile and by hampering the search for other durable solutions, namely local settlement or voluntary repatriation" (Robinson 1998: 273-274). In 2005, the RTG agreed nonetheless with the resettlement programmes, while simultaneously halting new PABs for asylum seekers in order to manage the potential pull factor.

7.3.1. Resettlement

The resettlement of Burmese refugees in Thailand to Western countries is the largest such programme in the world (UNHCR 2007d). By September 2008 55,852 refugees had been resettled (IOM 2008), with another 20,000 foreseen for 2009. The main destination countries are the US (roughly two thirds of the group), Australia, Canada and the Scandinavian countries. This is a true group resettlement programme, as any registered camp refugee who expresses interest in going is likely to leave, unless they were militarily active in the past[170]. Apart from this last category, anyone can be resettled, regardless of capabilities, education or age, and thus of 'integration potential' in the third country, which is a unique feature of this refugee situation. The factor 'choice' is lacking though, as there is no formal alternative solution. It is either resettlement or continued warehousing.

Resettlement is occurring at a large scale, and provides protection for the people involved. While many of the respondents realised that life would not be easy in the West either, they usually stated they were leaving camp nonetheless to improve the future of their children. Many reasoned that if their children would grow up safely in a third country (safe from both the Burmese army and the Thai police) and

[170] Problematically, even people who were forced to provide material support to the rebellion, were initially declined asylum by the U.S. Homeland Security Department: "*The Patriot Act denies entry to anyone who has provided material support to a terrorist or armed rebel group, and it applies even if that support was coerced or if the aims of a group in question match those of American foreign policy*" (Swarns 2006). However, a waiver was signed by Condoleezza Rice to waive the provisions of the U.S. anti-terror laws for the Burmese refugees, unless they were an active combatant or member of a rebel group.

get a proper education, they would be able to obtain a skilled job and live a more secure life.

> "*I'm 44 years old. I arrived here in 1998 and have not left the camp since. I am a shopkeeper but even if we sell a lot, we cannot save any money. I applied for resettlement. I never want to return to Burma. Our house was burnt there, and I had to do forced labour, constructing the road. Now, I just want to go to the US. It is best for the children. There they can study, like other people*"[171].

But indeed, settling in into a completely different culture is difficult[172], and many Karen refugees find it hard to adapt to life in the West (Kawlah films 2007). Finding a secure, full-time job remains the number one concern for the resettled refugees (Dunford 2008: 1). Certainly people who had a relative power position in camp find it hard to obtain a satisfying job in the West and some would like to return to Thailand instead (Kawlah films 2007). On the other hand, regular contacts with two of my former interpreters suggest that young, relatively highly educated refugees from the camps, can prosper due to the security, freedom and opportunities they now enjoy. In-depth research in third countries will be needed to assess the level of success of Burmese refugees' integration, in order to inform both aid agencies and refugees who are still indecisive on whether or not to leave the camps.

While the resettlement programmes provide protection, more freedom and potentially a better future for the refugees concerned, the benefits can extend beyond the immediate circle of resettled individuals. After all, (former) refugees may start supporting kin or friends who are still in Thailand or in Burma, through financial remittances. On the other hand, the large scale resettlement programmes do pose some distinct problems for the people staying behind in Thailand. Firstly, asylum procedures for new arrivals were halted to manage the pull factor of the programme. And indeed, there is a large increase in new arrivals, certainly in Tak

[171] Interview with Karen refugee, Mae La camp, December 28, 2006.

[172] An eye-opening anthropological book that aptly describes the problems encountered by resettled Hmong refugees and their hosts in the U.S. is called: '*The spirit catches you and you fall down*', by Anne Fadiman (1998). Another impressive book on a resettled 'Lost Boy' refugee from Sudan is titled: '*What is the what: the autobiography of Valentino Achack Deng*', by Dave Eggers (2006).

province, and fraud is occurring: identities on resettlement lists are bought with or without the 'owner's' knowledge[173]. The PABs have thus been postponed and most new arrivals cannot be supported with the current means of TBBC (only the most vulnerable ones are), both of which are to the detriment of the human security of genuine asylum-seekers. In addition, the mass resettlement jeopardises the management of the camps due to the brain drain (Banki and Lang 2007). After all, the day-to-day camp management has always been left in refugee hands, but due to the quick resettlement pace of numerous camp staff members, including teachers, medics and administrative personnel, new personnel cannot be trained quickly enough. Moreover, as with any other mass resettlement programmes, it leads to tensions within the community and within families. As mentioned above, these familial tensions are very hard in such a collective culture, leading to a rise of suicides in camp (CCSDPT December 17, 2008, internal document). Lastly, the resettlement process can take up quite some time, certainly for former urban refugees (see also UNHCR 2007e), which can lead to a complete focus on resettlement, depression and a lack of investment in the current life (a state of mind called 'buufis' in the case of Somali refugees (Horst 2006c)):

> "*I haven't had any information lately on the 'Pending Cases' in our camp, like me. I don't know how long it will take. Yesterday some guy from IOM told us that pending cases in Africa can take up to seven years before they finally get to the US. I am so hopeless. I am having a very hard time in camp. No one supports me and I don't have a job. I do want a job but they don't want to accept anyone who applied for third countries. I don't know what to do with my life in this camp. I want to die. What should I do?*"[174]

Mass resettlement thus does pose problems for the refugees remaining in Thailand. This engenders an important question: what will happen with those refugees who are not able or willing to leave (*residual caseloads*) and with the self-

[173] Interview with a self-settled, connected, refugee in Tha Son Yang (November 14, 2007) and informal conversations with NGO staff members in Mae Sot.
[174] Email from a political refugee living in Nu Poh camp, November 1, 2008.

settled refugees? Before analysing other potential options, the wishes of the refugees themselves will be looked into. What would they prefer, if they had the choice?

7.3.2 What do the refugees want?

The following table is based on the respondents' answers to the question "*What do you think is the best solution for you or your family: return to Burma, resettlement or improving conditions here in Thailand*?". Refugees were encouraged to speak their mind and explain their preference.

Table 7: Choice durable solution by settlement category

		settlement category		
		self-settled refugees	camp refugees	Total
Choice durable solution	return/repatriation	37	13	50
		55.2%	19.4%	37.3%
	stay here/local integration	24	15	39
		35.8%	22.4%	29.1%
	resettlement	6	39	45
		9.0%	58.2%	33.6%
Total		67	67	134
		100.0%	100.0%	100.0%

There is an evident difference in the view on durable solutions depending on location, level of integration and level of political assets. Well- integrated refugees (who have strong social links with the host population) usually prefer local

integration, with the exception of those refugees who still own land in Burma. Self-settled refugees who are only economically integrated on the other hand, prefer repatriation in case of peace or when they have accumulated enough financial capital to sustain their livelihoods in Burma. Camp refugees also have access to the official option of resettlement, which is why the great majority in camp prefers resettlement. There is a clear influence of political capital, or rather the lack of it: non-politically active and/or marginalised groups, such as the politically marginalised Muslims, are clearly in favour of resettlement. This phenomenon that outcast groups apply *en masse* is common in any resettlement programme (Horst 2006c: 172-176). Also people who already have relatives or friends abroad are interested in leaving. On the other hand, 22% of the camp population indicated that they preferred to stay in Thailand, as they saw neither resettlement nor repatriation as an option. In addition, several of the camp respondents who had applied for resettlement (and are thus part of the 58.2%), stated that they would prefer to stay in Thailand if that were a formal alternative.

> "*Yes, I applied for resettlement, but if we would be free to work, I would stay here. Now we can't travel, can't work and can't go back to Karen State, since our homeland is infested with land mines. The Karen need a better life, but most of all we need freedom*"[175].

7.3.3 Repatriation

> "*If they (the SPDC) declared peace today, we would not even have to wait for tomorrow, we would go back today*" (KRC representative, quoted in Lang 2002: 192).

Table 7 demonstrates that repatriation is still the preferred durable solution of refugees (37.3%), and that figure would be a lot higher if repatriation were a real option. Many refugees dream of a return to their former homeland and potential

[175] Interview with Karen refugee, Mae La camp, December 27, 2006.

possessions, on the condition that they would have freedom and rights: right to work, right to travel, right to property, right to their own culture, etc. However, numerous testimonies indicate that the time is not ripe for repatriation to Karen State. Human Rights Watch, KHRG and many others have documented the continuous human rights abuses and increased militarisation since the beginning of 2006. While according to analyst Ashley South (2007a) the ceasefire zones are slowly developing in a more positive direction, this is not yet the case for many other border areas. Certainly the widespread use of unmarked mines by both the tatmadaw and the insurgents in the contested zones will be an enormous barrier for large scale repatriation. Therefore, it will in the near future not be possible to return refugees to 'a situation in which the causes of the flight have been removed'. Moreover, the SPDC will probably not cooperate with such a move: "*It is unlikely that the Burmese regime will want to take back refugees until it has secured ceasefire surrenders (on its own terms) and/or complete control over the minority forces and their border territories. Because the aim of the government's counterinsurgency strategy is to undermine and eliminate the civilian support base of the insurgents, it is unlikely that it will accept back people of whom it is suspicious*" (Lang 2001: 7). However, vice-versa, the SPDC might be willing to accept people back who are not political activists, are not associated with an enemy group or do not live in the (shrinking) contested border zones (e.g. the Karen from the Delta zone), which is an option that should be explored.

After all, some refugees may prefer to return even in the current political climate. There may be multiple and complex reasons why refugees feel like going back: "*To name the most common ones, forced migrants return to their homeland to trace or join relatives, check the state of their property, re-bury a relative, make use of the skills they have acquired during exile (…), regain control of their land (…), participate in the elections of their country (…), take care of elderly parents, educate their children in their home country's culture and values, or alternatively, because the conditions in exile are too harsh or dangerous (…). On a more personal and emotional level however, another significant reason to repatriate is the mere desire*

to return 'home'" (Ghanem 2003: 35). Looking at this particular case, while some refugees will return spontaneously for one or several of these reasons, others may be too afraid to jeopardise their refugee or migrant status by undertaking a precarious and costly journey home, without knowing what they will find in their former village or town (if they lack transnational connections). Others may be without any legal status in Thailand but simply fear going back because they can be penalised upon re-entry of their own country (see also Rukumnuaykit 2009: 5). As they are not officially allowed to stay, cannot go back and cannot afford to move on, they are what has in other cases been called 'stranded migrants' (Betts 2008: 10). Even if in this thesis all Burmese in Thailand are called refugees, in terms of legal statuses they are very much a mixed migration group.

If an agreement could be reached with the junta on return to non-war-zones, including guarantees on e.g. non-penalisation for re-entry, the recognition of new-born children in exile and the requisition of nationality[176], return could become an option for a subgroup of interested individuals with various legal statuses. Such an agreement is essential for any kind of internationally-backed return. This option would complement the present process of migration regulation between Burma and Thailand, which is currently unidirectional (from Burma to Thailand). The only difference would be that migration back to Burma would be securely monitored by international agencies (UNHCR and IOM), as the conditions of repatriated Rohingya and Mon refugees are not very encouraging in terms of sustainability of return (discussed in Section 1.1). Moreover, there should be careful 'do no harm' assessments, as control of populations is a key strategic goal of the SPDC, so they have an interest in resettling returning refugees into particular areas. The return should be voluntary, and people returning should be fully informed about the conditions they will encounter. Even then however, it is still not certain whether the return will be sustainable on an economic level, if there is no economic

[176] This is a precondition that the junta was unwilling to meet in the past. They only wanted to accept refugees with Burmese ID cards (Lang 2001: 16), which is very problematic as many people have never had identity cards, or were born in camp and are therefore stateless. However, presenting this as an option only for those people of whom the regime is not suspicious might change this attitude.

absorption capacity, so this option might need to be coupled with development programmes (4R's approach).

Even if the junta would agree to this option and it would be safe for interested individuals to return, there will always be refugees who consider neither repatriation nor resettlement as an option, but instead prefer to stay in Thailand. People seek a better future in holistic terms, thus their decision to stay, move elsewhere or return will depend upon short term, medium term and long term livelihood prospects, political status, their kin ties and social networks, as well as their identity and self-conception (Kronenfeld 2008: 45-46; Lindley 2008: 8). Therefore, the third durable solution needs to be assessed as well: local integration.

7.3.4. Local integration

> *"I have been living here since I was three. If someone would compel me to go back to Burma now, I would kill myself. I have my own house and land here, my own work, I don't have any reason to return, even if I still have family there"*[177].

During the more than 20 years that refugees have been in Thailand, local integration has never been explored as a durable solution, neither by organisations present, nor by academics. This is a surprising finding, as many of the factors that have been discovered in success cases of local integration are present in this case for subgroups within the refugee population. In Tak province, Karen refugees in Karen hill tribe areas are a case in point (as has been analysed in Section 5.1), but due to their better level of integration, these refugees tend to be invisible for humanitarian agencies and policy makers. They have been able to integrate economically, socially, and sometimes even legally: "*For such people, assuming there is a 'refugee problem' for which repatriation is the best solution may*

[177] Interview with Ali, Karen refugee, Tha Son Yang, November 14, 2007.

undermine whatever progress they have made in rebuilding their lives" (Bakewell 2004b: 41). From the viewpoint of policy makers, the obstacles to integration, which have been identified in other cases (Jacobsen 2001: 22-23), are not present for this subgroup: (1) these self-settled, dispersed refugees do not pose any threat to security, (2) they are not economic or environmental burdens, and do not tend to be seen as such in their host areas, (3) the local population is not against the permanent settlement of the refugees. Officially promoting local integration in these hill tribe areas is thus not likely to increase insecurity or cause instability, economic or social problems. On the contrary, if local integration would be supported by aid agencies (see infra), these RHAs would substantially benefit from the refugee presence.

There is thus a real potential for the promotion of local integration for a subgroup of refugees, namely those that are integrating economically and socially in a way accepted by the local population. In casu, the Karen self-settled refugees would be an important group to consider, as well as the Shan refugees as the latter are officially not tolerated in the refugee camps *because* of their cultural compatibility with the Tai Yai in the north of Thailand[178]. Moreover, even if social factors were most influential for refugee integration in the area where I did research, there may be other areas in Thailand with longstanding de facto integrated Burmese communities who nonetheless lack shared ethnicity with the local population, so this option need not a priori be restricted to certain ethnicities.

While local integration is certainly not officially encouraged but on the contrary considered a very sensitive matter, some policy measures have been implemented that did lead to integration as a result. The large-scale registration exercises de facto represented economic integration of foreign labour, resulting in a temporary

[178] Concerning the Shan, a local NGO staff member suggested that local integration or at least legal access to work would be a good possibility for the young and healthy. However, he insisted that the older or sick ones should be able to live in a refugee camp with a basic safety net in terms of protection, housing, food and health care, as the Shan are refugees too (Email conversation with staff member Burma Relief Centre, May 22, 2009). I on the other hand believe that giving them a legal status in Thailand would already improve their protection, even if not as 'refugees', and enhance their access to services, without necessarily encamping them. Camps are in the first place intended to provide an asylum space, rather than a social safety net.

residence status and access to services for the people concerned. Moreover, the children of Burmese migrants are allowed access to Thai schools, which is beneficial for their future integration: "*Thailand has below-replacement fertility, and if it wants immigrants to add to its population and labour force, migrant children educated in Thai schools should be among the easiest foreigners to integrate*" (Martin 2007: xiii). In addition, in January 2006, the Cabinet approved a project aimed at addressing the unresolved status of illegal people who arrived in Thailand prior to January 2005 (Kasem 2008). All village headmen were asked to make a list of 'eligible villagers', which included both hill tribe people and more recent arrivals ('the house registration system'). In practice, the RTG thus knows that many ethnically related Burmese refugees have obtained coloured identity cards and does not necessarily oppose this practice if it is accepted locally. What is more, the RTG seems to regard this practice as a form of integration, for subgroups of the refugees at least. The Padaung people (another minority group from Burma) in Mae Hong Son province for example, are reportedly obliged to give up their coloured cards if they wish to register for refugee screening and possible resettlement (CCSDPT meeting June 11, 2008, internal document). It is unclear if this vision is general, or restricted to this particular population, living in a separate settlement. The UNHCR on the other hand continuously stresses that anyone registered as a refugee stays a refugee, regardless of where the person lives and which kind of papers he/she receives in a Thai village. The reason for that position is that the 'long neck' Padaung people are pressured by the authorities to give up their rights as refugees to resettlement, as they are economically important for the area as a tourist attraction (Harding 2008; USCRI 2009). As this may not be in the best interest of the people concerned, UNHCR wants to keep options to resettlement open to all refugees who are registered. They feel that refugees need to be able to make informed decisions, by having access to information about rights (such as freedom of movement), obligations and entitlements to services in the different options[179]. Moreover, UNHCR considers coloured ID cards as

[179] Email conversation with Maria Corinna Miguel-Quicho, Senior Regional Protection Officer UNHCR Thailand, March 30, 2009.

insufficient to fully guarantee the basic rights of the refugees in the country, on a level that could amount to local integration or lead to a cessation of refugee status.

Still, the refugees see the obtainment of a coloured identity card as desirable, because it provides them with a legal status, residence permit and freedom to work, even if restricted to a certain zone. These cards thus de facto constitute protection outside camp, even if the holders are not integrated as 'refugees'. Such cards might be the best option in a situation where even the 'hill tribes' are not considered 'enough Thai' to obtain full citizenship, thus the option to extend this legal process to other, otherwise fully integrated, refugees should be explored. One could, for example, work with different phases, whereby refugees would progressively be granted more rights. The first phase could start by providing temporary stay permits and work permits (as in the amnesty rounds for foreign labour). In the longer term, refugees would gradually, *at a pre-determined pace*, enjoy more rights with coloured identity cards. This way, the whole process would be controllable by the RTG. Moreover, the next generations might receive the possibility to get Thai citizenship, which happened in the past with the descendants of the Vietnamese, Kuomintang, Han Chinese and Burmese followers of U Nu[180].

7.3.5 A segmented approach: Different durable solutions for subgroups of refugees

> "*UNHCR must, in the words of its Statute, promote 'the execution of any measures calculated to improve the situation of refugees and to reduce the number requiring protection'. What does this mean in practice? UNHCR should take a detailed look at the composition of the different populations in protracted exile and decide what the best strategies for them are, sub-group by sub-group. Dealing with an entire population can be frustrating because, unless there is real*

[180] Interview with Songsit Charuparn, Legal Protection Officer, UNHCR Bangkok, July 12, 2006.

> *political change in the country of origin, progress is unlikely. Segmenting that population is more fruitful, for it entails separating it into sub-groups with different profiles and for whom different strategies might lead to improvements*".
>
> (Jamal 2008: 151)

Given the protractedness of this refugee situation, it is time for Thailand and the international community to widen their view on durable solutions in this case. While resettlement is a durable solution for the individuals concerned, not all camp refugees will opt for resettlement, and self-settled refugees are excluded from the process. Therefore, the range of choices for refugees should be increased, without enforcing a particular option on anyone. Different durable solutions could be combined, to the benefit of all the stakeholders: the refugees, but also the local host population, Thailand, UNHCR, NGOs and donors. Next to the continuation of resettlement, return of interested individuals to non-war zones should be explored, as well as local integration in Thailand for locally accepted subgroups of self-settled refugees. However, even then there will still be people for whom neither of the options is feasible. For the residual group, which will still be large, the prospect of getting a coloured identity card and being obliged to stay in Thailand is not an attractive proposition. Therefore, measures could be taken to improve the conditions for these refugees' self-reliance pending return, which will be less sensitive than durable local integration. It is a realistic option as self-settled refugees are necessarily self-reliant and so were most camp refugees along the border during the first ten years of their stay. In addition, increasing self-sufficiency of camp refugees has been discussed with the RTG in the past (2005/2006) and was approved by that particular government, thus NGOs have already tested various (pilot) programmes (Brees 2008b). However, until now, the attempts to improve camp refugee self-reliance have failed in Thailand because income-generation programmes and VT courses in camp cannot achieve much in the absence of any rights to utilize these skills after the training. Moreover, the political turmoil in Thailand has halted further progress in this respect.

A potentially more efficient method to achieve the goal of increased refugee self-reliance is to convince the RTG to give this group the status of a migrant worker. This would give them access to work and services (if necessary restricted to a certain Designated Zone of Residence with sufficient economic opportunities), leading to economic integration until sustainable return to Burma would become possible. For the camp refugees, the work permit combined with the personal identity card they have recently received, would still have to rule out refoulement, constituting a "*protection-compliant strategy for channelling certain categories of refugees into a labour migration stream*" (Jamal 2008: 156). This idea of migratory regularisation of refugees may seem controversial in this case, but is not unrealistic as it has been successful and supported by UNHCR in other cases, amongst which Mozambican refugees in South-Africa and Zimbabwe (Feller 2005: 31), and Sierra Leonean and Liberian refugees in the ECOWAS region[181]. As a former Thai Deputy Prime Minister indicated himself: "*70 percent of the refugee humanitarian assistance is allocated for food and non-food items.(. . .) To still be feeding a forcibly dependent population after 15 years is tragic; it will be criminal if we are still feeding them after 15 more*" (as cited in Women's Commission 2006b: 2). In order to achieve this, the government needs to review its stance regarding camp refugee labour.

Next to camp refugees, self-settled refugees need a legal status as well, to ensure a basic legal safety, permission to work and access to local services. For self-settled refugees who are not able or willing to integrate, that legal status could also be a migrant worker status. This is unlikely to be controversial given that this population has economic potential and that very little Thai actors lose on an economic level due to their presence. Any legal status could moreover lead to an improved access to NGO programmes (in areas where local services are inadequate), since as long as this population is deemed 'illegal' by the Thai authorities, it is extremely difficult for NGOs to work with them in an openly and effectively manner:

[181] Email conversation with Jeff Crisp, Head of UNHCR Policy Development and Evaluation Service, Geneva, August 2, 2009.

> "*The main factor that has prevented many of the NGOs to support self-settled clients with more than just food, is their illegal status. Money generated from seeds, livestock, businesses etc. is only successful for those with good relationships with local Thai employers, landowners and authorities. For the others, their dwellings are often destroyed by the police who would also take any money and possessions from the refugees while deporting them*"[182].

All three durable solutions and self-reliance pending return should thus be pursued simultaneously, depending on the characteristics of individuals and groups within the refugee population as well as their hosts. But why would Thailand agree to officially increasing the options for refugees? First of all, legalising the labour of both self-settled and camp refugees (in a more effective way than is currently the case) will increase the authorities' control over the predominantly illegal foreign labour sector and diminish corruption. Moreover, Thai constituents will benefit as well, as it will diminish the employers' risk of arrest and/or fines as well as losing trained staff through deportation. However, while employers are in favour of clear regularisations, they never register all their workers since the non-registered ones are in practice less protected by labour laws, which means the employers also benefit from this illegality. Incentives for them to reduce this practice would be dramatically increasing the risk of checks by the MOL to reduce the current widespread impunity and introducing a more efficient system of registrations as well as seasonal work permits where necessary (Brees 2008c: 393-394).

Secondly, both the increased self-reliance and targeted local integration approach could lead to substantial benefits for the local population when coupled with development aid, based on the Convention Plus- ideas of DAR and DLI respectively. If refugees would be more self-sufficient as a result of legal access to work and freedom of movement (perhaps in a certain Zone), parallel services in the camps could be reduced (although still present to a certain level as a safety net), in favour

[182] Email conversation with a staff member of a Mae Sot- based NGO, June 25, 2008.

of improving Thai services in the area in health, education and (micro-) finance. These services would be provided through the local community but be fully accessible to the camp and self-settled refugee populations. Even if Thailand has a higher level of development than most host countries in Africa, many of the provinces along the Thai-Burmese border are in fact amongst the least developed in the whole country (UNDP 2007), so in those areas improving services would clearly be to the advantage of Thai nationals as well. Regional development of the border area will also increase its stability, which is a key policy concern of the RTG. Both the economy and security of the RHAs will thus be strengthened by combining a rights-based approach for refugees with the concern for regional development, through the inclusion of refugees into the national and local development plans. To some extent, there might even be a possibility to build upon the expertise of an existing UNDP project in Mae Hong Son province. In this project, development aid is directed at Mae Hong Son because they are the poorest province in Thailand and home to very diverse populations, amongst which many displaced persons from Burma (UNDP 2008b). The project aims to improve livelihoods by enhancing income generation opportunities and access to services for all people in a community, *regardless of legal status*[183]. Perhaps there are opportunities to transform this project by explicitly including a refugee/migrant rights' component, as refugees make up a substantial proportion of the de facto population in Mae Hong Son province.

A third important factor in convincing the RTG, is that the self-reliance and local integration components are part of a larger and forward-looking framework. Resettlement to third countries is an ongoing component of the framework, and there is also an element of cooperation with the country of origin, if an agreement with the SPDC can be reached. In that case, migration back to Burma will be legalised and monitored, which is in Thailand's and the returnees' advantage. While initially this group of returnees might be small, it will set an important

[183] Email conversation with Anupam Bhatia, manager Mae Hong Son project, May 21, 2009.

precedent and a ready-to-use plan of operations for return if political or conflict conditions in Burma change.

A last argument is that it needs to be recognised that migration into Thailand will continue for many years to come, thus there is a need for a more extensive policy framework that goes beyond warehousing and (unsustainable) deportation. Furthermore, the Burmese resettlement programme is the largest in its kind worldwide, but this kind of enormous burden-sharing will not last forever. Donor fatigue is already starting to set in, with the camps' largest donor, European Community Humanitarian Office (ECHO), diminishing its aid from 2008 on, in the absence of any progress in the refugees' situation over the last decade[184]. The framework proposed here has the potential to motivate donors, as it is more holistic in nature, going beyond long term care-and-maintenance and costly resettlement programmes. Moreover, while this wide approach will initially require more budget (*additionality*[185]), in the longer term it will be cheaper than conventional assistance programmes aimed at meeting all the needs of refugees kept segregated in camps. Donor states can also target based on their own priorities, as DAR and DLI focus on bilateral initiatives, unlike the multilateral cooperation required at the time of the ICARA- process (Betts 2004: 14-16).

Having said this, there are some caveats in this ambitious framework, many of which do not have straightforward solutions. The largest problem is that it needs to be backed by political will. The proposed framework has many benefits for Thailand, but the RTG might see any kind of easing up of restrictions as losing control. Thailand is always on its guard for options that improve the conditions for the refugees present as it may draw people to Thailand. However, the European Council on Refugee and Exiles (ECRE) argues that the right to work is exaggerated

[184] Meeting with Jack Dunford (TBBC) and Art Carlson (IRC) at Human Rights Watch, Brussels, March 11, 2009.

[185] This concept refers to allocating additional budgets to a certain country. After all, if development budgets previously intended for the host population are now re-allocated to both locals and refugees, local leaders will not be inclined to cooperate. It needs to be a vote winning strategy for host population politicians (Betts 2009: 13).

as a pull-factor for asylum-seekers: "*Given the ease with which illegal migrants find work on the black market in both western and non-western countries, it is unlikely that those whose sole motivation is to find work would bother to make an asylum claim, thereby attracting the attention of authorities*" (cited in Jacobsen 2005: 98). That element will thus not lead to a rise of people seeking UNHCR protection. Moreover, the push factors are far more important in this case, and the ongoing deportations do not deter Burmese people from crossing into Thailand. After all, it is general knowledge that the overall majority of deportees immediately cross back into Thailand (if they have the cash), thus the deportations are not effective and the practice engenders corruption on both sides of the border. The migration into Thailand cannot be halted. What the policy framework proposed here could achieve is make it less clandestine and more controlled. The RTG may also fear that the Burmese will not return if they become legally economically integrated, but that fear is unsubstantiated. Several researchers, amongst which Bakewell (2000a), Rutinwa (2002: 23) and Hovil (2007: 616), have found that self-settlement and self-reliance do not necessarily lead to less repatriation, and also allow return to take place with a reduced negative impact. Moreover, hundreds of thousands of self-settled Burmese have already been officially economically integrated in the past, due to the registration system. Regardless of these arguments though, there may still be little enthusiasm in Thailand to agree with the framework, as there are vested (economic and other) interests for local and national politicians, police and army leaders as well as for the KNU, political activists and emergency NGOs in keeping the status-quo, so there is a role here for the donor community to push for progress.

Convincing Burma might proof difficult as well as it remains uncertain how interested they are in creating goodwill in ASEAN and the UN by cooperating, and if they can be convinced with the argument that allowing returnees in non-conflict zones might bring development aid to these areas (4R's approach), as any foreign aid is considered sensitive. Also the inter-agency cooperation of UNHCR with development agencies such as UNDP and with migration organisations such as IOM

is not always smooth, but necessary to implement the DAR-, DLI- and careful repatriation approaches. Another problem is that promoting different durable solutions for subgroups of refugees may create or reinforce (ethnic) tensions within the refugee population. However, the idea is not to limit the current options, as resettlement stays available for any UNHCR-registered refugee. Instead, the options will be widened in a way that has the potential to succeed, namely by looking at the characteristics of both the refugees and the local population. It has been tested successfully in other mass influx cases, such as the Afghans in Pakistan (Loescher and Milner 2006: 12-13), thus there is no reason to assume that it would not work here. Still, separating the categories in practice may not be easy, also due to a lack of information on the majority of the self-settled refugees. In addition, there is the danger that promoting local integration for subgroups of self-settled refugees may 'wake sleeping dogs', as a UNHCR official pointed out. As the issue of integration is very sensitive in Thailand, trying to formalise the creative ways in which some refugees have managed to obtain coloured ID cards, may effectively close the door for everyone. Obviously, this should at all costs be avoided, thus it needs to be carefully assessed.

By no means is a segmented approach like the one proposed here thus easy to implement. Many sensitivities and potential side effects need to be taken into account, and some parts of the framework will require quite some preparation. However, standing by and continuing the care-and-maintenance programmes while simultaneously ignoring the hundreds of thousands of self-settled refugees is not an option: "*The price of extending this short term measure (camps, ed.) year after year is paid in terms of rights frustrated, capabilities deprived and expectations unmet. That these camps have come to embody the refugee experience, to represent the content of international protection for refugees, is grimly ironic, and demonstrates how desperately new approaches to responding to refugee situations are needed*" (Jamal 2008: 146). The status quo presents a major moral dilemma, so there is an urgent need for change. On the other hand, a comprehensive, grand, political approach for all refugees, such as the Indochinese CPA in the past, is not

realistic for the Burmese refugees and thus unlikely to lead to timely progress. As Betts (2006a and 2006b) states, CPAs and programmes like CIREFCA require wide political, non-altruistic, interests for donors and the country of origin, both of which are lacking in this case. Such a political approach would only be possible if the context inside Burma would change, in which case it would require the support of the entire UN system, rather than only UNHCR and UNDP as in the framework proposed here. Currently, working towards durable solutions for subgroups of refugees and improving self-reliance of the residual group pending return has the best potential to lead to progress and can make the refugees' presence even less of a 'burden' for Thailand than is the case today.

GENERAL CONCLUSIONS

It is widely accepted that the majority of the world's refugees do not live in refugee camps but self-settle instead. UNHCR estimates that of the 31.7 million 'persons of concern' in 2007, only 12% were camp-based or settlement-based (Polzer and Hammond 2008: 420). In these spaces outside camp, the distinction between migrants and refugees is hard to make as their lives are very similar. Moreover, also the causes of (onward) migration are often mixed. Despite this general knowledge, the thinking in terms of categories is left aside only rarely. All too often, refugee researchers take over the simplified categories developed by bureaucracies (Bakewell 2007: 7-8), focusing on either 'refugees in camp' or 'migrants outside camp'. This research has challenged that distinction by treating the migration-asylum nexus as a given and considering the entire Burmese population in the area as its research population. As the aim of this study was to assemble a rich picture of livelihoods, integration and transnational strategies of the Burmese diaspora, it would have been detrimental to focus solely on either recognised refugees, or registered migrants, or political refugees, or any other category. When trying to understand how people adapt to life in exile, it is not necessary to label them. Moreover, they will deliberately split up anyway to diversify their livelihoods, or end up in different places and with different statuses due to particular social networks, human capital and coincidence, regardless of the causes of the flight and the label they should have been attributed based on international and host country regulations. Therefore, this study has tried to move away from such compartmentalised studies. Instead, a particular geographic context was selected, which presented the possibility to look into various populations in that area, compare them, see links in between them as well as between them and other locations further away. Only when the research findings had to be translated into policy recommendations in the last chapter of this book, the policy labels were

brought back in, in the sense that different policy options were proposed for people with different legal statuses.

This research has gone into various debates and sought to fill some gaps, as little has been written on livelihoods of refugees in various settlement options within a single case, or on integration and transnationalism in cases of mass refugee influx. Refugee livelihoods were thus analysed by working and drawing on theory on three levels of analysis (Jacobsen 2006: 280). At the level of society, the livelihoods and integration strategies of refugees were revealed, what influences them, as well as what the outcome of these strategies was for the refugees themselves and for the local population. At the state level, the interface between the state and the refugees was explored by analysing Thailand's refugee and foreign labour policy, and demonstrating how this influenced livelihoods of refugees. The law and policies of the host country and the way these were implemented and negotiated at the local level proved to be a connecting thread through the three themes, and were a key determinant in refugees' vulnerability. Lastly, it was assessed in which way refugees in a situation of mass influx are transnational actors, how they connect the different domains of the refugee diaspora, and what the impact of these activities is on various stakeholders, which entails an analysis at the more global level.

These subjects were investigated by studying the Burmese refugees in Thailand. Despite the protractedness of this refugee situation, little is known about this context. One of the reasons for that lack of information is the difficulty of working in this 'sensible terrain', due to both politico-bureaucratic and practical reasons, but this study has demonstrated that access can nonetheless be negotiated at the local level (see also Vogler 2007). Unlike most previous studies on the Burmese diaspora in Thailand, this study did not primarily look into the needs of this population or the human rights abuses they have had to endure. Instead, the focus was on bounded agency, on how, despite these restrictions, problems and traumas, refugees nonetheless manage to cope. This is an entirely different perspective, which had a large influence on the truth discovered. Perhaps unsurprisingly given

this focus, it was discovered that agency is ever present, as refugees in this case of mass influx are engaged in livelihoods, integration and transnational practices. Still, in all three themes, it repeatedly became clear that the institutional context had an important influence on opportunities and choices. This interaction between agency and structure was expected in the 'livelihoods and integration framework' developed for this research and was confirmed.

A major observation of this thesis is that the settlement choice is very important for refugees' livelihoods. It influences refugees' assets, strategies, social and economic outcomes as well as desired outcomes (in terms of preferred durable solutions). Registration in camp ensures better food security, personal safety and access to services but at the same time more controlling power structures have to be taken into account and there is hardly any contact with the local population as long as one does not leave the camp. Self-settled refugees on the other hand are more in control of their everyday life and integrate in the host communities on various levels, but they are more vulnerable to shocks and lack sustainable access to services. Moreover, they tend to be (or are made) 'invisible' due to their illegality and subsequent lack of 'voice'. In general, there is thus a clear trade-off in livelihood outcomes between the various settlement options, but in practice there is quite some heterogeneity within each group. Moreover, families may decide to use the 'splitting technique' to increase their human security, as such blurring policy labels. Regardless of legal status, all Burmese refugees are economic actors, combining various strategies, which provides evidence against the aid dependency syndrome of camp refugees. This does not imply that they do not need the rations to survive, but rather that they use their agency to improve that very basic level of survival in various ways. This study thus confirms previous research that contradicted the image of 'the passive refugee' (e.g. Kuhlman 1991; Wilson 1992; Dolan 1999; Hyndman 2000; De Vriese 2006). Even if the Thai policy forbids refugee labour and unregistered 'migrant' labour, this formal legal framework is circumvented by inventive strategies of the refugees themselves, as well as by Thai stakeholders such as the employers, local leaders and police. The high level of wage

labour found in this case study is substantially different than the predominance of self-employment usually encountered in refugee livelihoods studies, and can be attributed to the prosperity and the duality of the Thai economy, as well as the Thai population trends. Certainly at the economic level, the local population clearly benefits from the refugee presence, which casts a serious doubt upon the persistent claim that these refugees are merely burdens to their host country. Another point that was made is that studying livelihoods requires more than only looking into economic strategies, since refugees try to improve their resilience *in a holistic way*. In addition to these subsistence strategies, strategies to gain access to goods, services and property as well as protection and civic strategies need to be assessed. In Thailand, all strategies were developed as an answer to the specific socio-economic conditions of the border region, which resulted in changes in institutions such as gender roles. There seemed to be little continuity with past strategies, but more research inside Burma will be needed to extend the knowledge on this subject.

An important asset in refugees' livelihoods is social capital. Developing links with co-nationals or hosts serves as a risk-spreading strategy. Bridging capital with the host population was certainly for self-settled refugees important as a safeguard against shocks. After all, they need to engage with the host population and local power figures for every need they may have, due to the lack of protection and targeted assistance. Therefore, it was assessed under which conditions Burmese refugees and the local population mixed up, and what the outcome of that was for both parties. As the Thai government is against refugee integration – along with most governments who face mass refugee influxes on their territory (Crisp 2003) – it would have made little sense for this research to focus on functional indicators, which usually serves to evaluate a certain policy. Moreover, that kind of analysis neglects the social dynamics of integration. Instead, research was conducted in an area with a wide variety in population compositions (Tak province) in order to study potential processes of economic, social and structural integration. And in spite of the official policy that only considers resettlement and repatriation as

durable solutions, integration was indeed occurring at various levels, with the highest level found in rural Karen hill tribe areas. This illustrates that the national policy and UNHCR policy are less important factors in refugee integration than the attitude of the local population and local authorities, confirming previous research in Africa (for example Bulcha 1988; Wijbrandi 1990; Polzer 2008). The attitude of the local population was in turn determined mostly by the cultural compatibility of the refugees, and to a lesser extent by the economic potential of the refugees as well as the number of refugees relative to the local population. This is not to say that the national policy is not important in refugee integration at all, as it became clear that the legal status of self-settled refugees, and in particular the coloured identity cards, were very important elements in facilitating refugees' lives. Thus unlike findings in other studies (Banki 2004; Grabska 2006; Polzer 2008), this legal factor was found to have a lot of influence on refugee livelihoods, even if it was completely unrelated to refugee recognition and the hindering refugee label. Instead, refugees were integrated on the basis of other identities, usually ethnicity, but this legal element did de facto constitute protection for the refugee involved. The majority of the refugees were only integrated at the economic level though, leading to a form of subordinate integration (Wijbrandi 1990: 67), meaning that their conditions were consistently worse than those of the local Thai population (relative aspect of integration).

Next to bridging capital, links can also be maintained and developed with the 'in-group', which is important during different stages of the flight (Horst 2006a: 11-12). Inside Thailand, connections are needed upon arrival to find housing, to more quickly improve subsistence strategies, to get in camp and survive there pending recognition as a refugee, to get a skilled job, etc. Bonding social capital is thus an important asset and variable that influences many aspects of refugees' lives. It functions as a safety net and makes refugees feel more at home while being in exile. However, this safety net and social gatherings can be strongly affected by the illegal status of the members in exile, as well as by restrictions imposed on spatial movement (e.g. due to the imposition of martial law). Moreover, while bonding

capital is essential for refugees, it can also have downsides (see e.g. Portes 1998). For example, strong 'elite' bonding capital leads to the exclusion of outsiders. This was proven in this case by the disconnection found between household educational attainment and actual livelihood outcome, which was related to the importance of ethnic political and family connections (nepotism) to get access to the limited amount of skilled jobs with international NGOs.

Bonding social capital is not restricted within state boundaries though. There is a growing consensus that the lives of (forced) migrants cannot be understood by focusing exclusively on their activities within the host state (Engbersen et al. 2007: 2). Therefore, not only the causes of migration and movements of people, but also the connections between the different diaspora domains need to be looked into (Nyberg-Sorensen 2004: 5). This study has thus investigated transnational patterns and found that refugees in a situation of mass influx can certainly be transnational actors, even if their capabilities (capacity and desire) are strained in principle. This study has thus challenged the idea of transnationalism research in the West that durable integration and stability at both the individual and national level are necessary for individuals to be transnational actors (Al-Ali et al. 2001; Guarnizo et al. 2003; Portes 2007). Burmese refugees maintain not only economic but also social, cultural and political transnational links, revealing a larger gamut of activities than the usual research focus on either remittance recipients or armed political links with the country of origin. Nonetheless, also in the study of transnationalism did the influence of the structural context on the type of activities become clear, which led to the argument that not the label migrant or refugee is important for the kind of transnational activities, but the legal status of the person, as well as the policies and level of development of the host country and the country of origin. Another important finding was that the importance of remittances for the livelihoods of refugee communities should not be overstated. There were more remittance senders than remittance recipients in this case, demonstrating that also refugees in neighbouring (developing) countries can be responsible for and carry

the burden of the livelihoods of kin who are not currently with them – instead of only refugees in the West.

Through transnational and integration strategies, refugees can act as agents of change and transform economic, social and even political structures at the sending and receiving end. The Burmese refugee presence in Thailand has led to a transformation of the economy since large segments became dependent on foreign labour. Moreover, their presence had a social effect in some areas, namely where the local population felt 'overwhelmed' and developed xenophobic sentiments as a result. Also the bilateral relations of the host country were affected due to the large Burmese population present and particularly because of the activists and rebels among them, but in practice Thailand's stance regarding these contentious politics is rather dubious. Certainly at the local level, there is a lot of space for negotiation, despite the fact that the security of both the local population and the refugee camps are strongly affected by the war across the border. Lastly, the refugees also have some impact on crime, health and the environment, but not on the level they are blamed for, which commonly happens in situations of mass influx (see e.g. Kok 1989: 424-425).

A related 'hot' debate of the last few years is how migrants can contribute to the development of their home country while being abroad, and how these positive impacts can be supported or steered by state policy. Certainly remittances are seen as having a lot of potential for development, up to the level of becoming the new 'development mantra'. While a lot of side notes can be made to mitigate this euphoria in all cases, the situation is certainly different for conflict-affected countries. This case has again illustrated that the development potential of remittances is fundamentally limited if the macro-economic and political conditions are not favourable, which is usually the case in conflict-affected, weak or failed states. While the remittances are beneficial for the recipients inside Burma as it enhances their choices (Horst 2008) and potentially positively affects the other members of the community through multiplier effects (Taylor 1999), remittances are not capable of improving the poor economic status of the country by

themselves. Another difference with non-conflict-affected countries is that refugees cannot only support relief or development, but can also 'contribute' to conflict, for example by supporting a rebellion, or promoting sanctions that negatively affect the stayees. These activities also occur within the Burmese diaspora, which leads to extensive debates and conflicts. Refugees thus by no means need to return to their country to influence its developments. However, while the increased capacity and networks of the Burmese diaspora has bestowed them with a large *potential* to influence peace building, development and conflict, there is currently not yet much visible evidence of real economic, social and political *transformations* through refugee transnationalism. This might change quickly when the technological, political and conflict context alters though. Moreover, there have been attempts by the diaspora to find common ground across the multiple and deep divides that exist, through shared meetings, various trainings and projects such as the NRP. Such initiatives may only slowly and in an imperceptible way lead to positive results.

Refugee transnationalism is thus a factor to take into account when trying to influence peace building or when analysing conflict patterns, but currently the subject is still understudied. It would be interesting if the findings of this study would be compared with other case studies, to verify whether the large spectrum of activities found is special to this case, to protracted refugee situations in general or rather to all diasporas. Once the patterns of activities have become clear, the impact of refugees in situations of mass influx on their (former) home country could be better assessed, certainly if combined with research inside the country of origin. In addition, little is known about the interplay between transnationalism and integration in protracted refugee situations. Currently those studies are usually carried out in Western-Europe, where the findings in question tend to challenge the xenophobic sentiment that integration of migrants and enduring connections with their country of origin cannot be combined. By researching the topic in a situation of mass influx, insights can be refined. Moreover, such a study would present the possibility to assess Van Hear's (2003a: 14-15) question whether

transnationalism might be considered in itself as an 'enduring' if not a 'durable' solution to displacement. In addition, I would like to reiterate Bakewell's call for research outside of policy categories and agendas if the subject allows it, which can lead to a fuller understanding of how refugees actually cope with life in exile, across policy labels and settlement options.

Also for the case of Burmese refugees in Thailand, additional research will be needed to refine insights found, by assessing the various subjects in other geographical areas. It would be particularly interesting to do research in large urban centres, to distract elements of similarity and difference, and as such get a more complete picture of Burmese refugees' lives in Thailand. More longitudinal research would also be beneficial, to track livelihood changes over time, within one generation, but also across different generations, as socialisation in Thailand may lead to very different chances, perspectives and responses of the second generation of refugees. After all, there is no reason to assume that everyone will develop a diasporic consciousness, or on the contrary develop a 'feeling of belonging' to Thailand. A combination of integration and transnationalism is a third likely option, thus the level of transnational identity of refugees needs to be assessed. In addition, inside Burma, the impact of migration patterns and transnationalism could be examined, as well as the livelihood strategies of people prone to displacement, in order to evaluate in detail the level of adaptation and continuity that their strategies have undergone in Thailand. All of these subjects would be considered very sensitive though, thus this will not be an easy task. Lastly, research in third countries would complement the findings on transnationalism and integration from the side of resettled individuals, whose role in stayee and Thai-based refugee livelihoods will undoubtedly increase in the following years. There are thus quite a few questions and issues that remain unanswered after this research, which is related to both the difficult working terrain, as well as the broad setup of this research around three large themes. In hindsight, it might have been better to focus on just one specific aspect of the framework, but on the other hand, all these issues are connected, so there is a

need to properly understand the 'bigger picture' first. I tried to be as all-inclusive as possible when carrying out this research in order to get a rich picture of the agency of Burmese refugees in the remote border regions of Thailand, in the absence of substantial previous academic research on livelihoods, integration and transnationalism in this context, which I hope has been provided. Still, if this research were to be followed up, investigating one specific element of the framework in detail would be useful.

At the more practical level, various policy options were suggested for the Burmese population in Thailand, based on the insights of this study and the Convention Plus-ideas. A policy framework was developed in which a segmented approach was considered the best option in this refugee situation, while admitting that this is not a substitute for politically engaging to resolve the refugee-producing conditions in the country of origin. Segmenting the population into subgroups who can benefit from different durable solutions has the best potential to lead to progress in the current context. Next to continuing resettlement for the camp refugees, the options of careful return of interested individuals with various legal statuses needs to be explored, as well as durable local integration for otherwise fully integrated groups of refugees. For the residual caseloads, the main goal is to increase self-reliance. Rather than further providing food aid or income generation and VT programmes that lead to skills that cannot be utilised afterwards, increasing the refugees' self-reliance and living standard can best be achieved when they are 'enabled' to better support themselves: *"(There is, ed.) a paradox whereby most refugees do indeed survive despite the provision of inadequate rations. In fact, the situations in which refugees suffer most dramatically tend not to be those where less than average aid is provided, but those when their own survival strategies have been curtailed*" (Wilson 1992: 226). Put differently, the focus needs to be on enhancing the refugees' space for agency through the advancement of refugee rights, which will allow this population a certain level of dignity, security and self-reliance pending return. This will require a legalisation by the host government of, at least, economic integration, if necessary restricted to a designated zone of

residence (Jacobsen 2005). A potential method to achieve this goal is by regularising the residual group as migrant workers, in a more efficient and predictable way than is currently the case.

The widespread existence of protracted refugee situations all over the world demonstrates the limits of an international refugee regime that favours repatriation to 'a situation in which the causes of the flight have been removed'. Local integration and resettlement thus need to be revived, but are in practice frequently opposed by, respectively, the host government and developed countries. The classic three durable solutions that are based on citizenship thus often appear insufficient to lead to timely progress, severely affecting refugees' livelihoods. As James Hathaway, a well-known academic in refugee law, says: "A legal regime which is in truth fundamentally oriented to the promotion of *autonomy* of refugees *has* been 'pathologized' to focus instead on finding cures to refugeehood. A regime which was *actually* established to guarantee refugees' lives in dignity until and unless either the cause of their flight is firmly eradicated or *the refugee himself or herself* chooses to pursue some alternative solution to their disfranchisement has now become a regime which labours nearly single-mindedly to design and implement top-down solutions which 'fix the refugee problem'" (Hathaway 2006: 3; emphasis in original). While durable solutions are important, more innovative alternatives are needed in cases of protracted exile that take into account refugees' ever present agency and therefore allow de facto integration in that (often ever extending) intermediate period in which a durable solution has not yet been reached. Certainly in those cases, the focus needs to be as much on refugee solutions as on solutions to refugeehood (Hathaway 2006). The most important element that can influence refugees' livelihoods is legalising access to the labour market, which is a factor that can complement or even enhance the level of protection. By combining the application of TDA with novel approaches such as a protection-compliant form of migratory regularisation of refugees in protracted refugee situations, refugees, host populations and donors all stand to gain. In convincing host states to improve refugee rights and include refugees into

development plans, additionality is essential: "*The great reluctance of host governments such as Uganda to adopt policies that could promote self-reliance of refugees lies in the perceived lack of economic viability of this possibility. (…) In a country of extreme poverty and lack of infrastructure and in which the development budget accounts for 52 percent of the operating budget, the possibility of losing international aid to refugees through an integrated approach is perhaps a risk not worth taking*" (Dryden-Peterson and Hovil 2004: 34-35). In the absence of additionality and adequate burden-sharing, host governments will not be inclined to change their refugee policies. Carving out the political space in both North and South for improved burden-sharing and renewing 'fourth' options is one of the major challenges of the international refugee regime in the following decade.

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ANNEX A: Questionnaire regular

My name is Inge, and I am a student from the University of Ghent, Belgium. I am interested in how you make your life here, and how you stay in contact with family members who are not living with you at present. I cannot pay you, but you can see this as an opportunity to talk about your problems and about what you think would be a good solution for them. There are no right or wrong answers, you can say anything you want and what you say will be used for this research only. It will be kept confidential, so you don't even need to say your name if you don't want to. If during the interview you want to leave, then you are free to do so. All your answers will be helpful in trying to understand the needs and experiences of people from Burma living in Thailand.

Questions

Identity and causes of flight

- Sex, Age, Ethnicity, Religion:
- How many people are there in your family?
- Why did you leave Burma? Did you experience any violence yourself, or did your close family?
- Did your family come with you when you fled? Did you bring your belongings with you?
- When did you arrive in Thailand?
- Why did you come to this place in particular (and not in camp/outside camp)?
- Do you have any legal papers?
- Are all Burmese living in Thailand refugees? Who are refugees for you and who are not?

Financial capital

- Do you have a job?
  (in camp) How do you supplement your rations? Do you need to ask permission or consult someone to do your job?
  Does your wife/husband have a job?
- Do you have the same job the whole year, or does it change with the season?
- What is the most difficult period/season in the year for your family?
- If you have a bad month and you can't buy enough food, what would you do?
- Do you have other sources of income?

Social capital

- If you have a problem, who would you go to?
- Are you a member of an organisation (political, sports, church…)?
- (in camp) Are there any tensions in the camp between different groups of people?
- (outside camp) Do you know many people in this town/village?
- (outside camp) Do you sometimes go out together, or organise activities together? Can everybody go to these activities or are they organised for a particular group?
- (outside camp) Do you have a community leader?
- (outside camp) Are there any problems with Thai people?

- Is your whole family here, or are some of them outside/inside the camp, or still in Burma or in a third country (which one)?

Social remittances

- Do you still have contact with family members left behind in Burma? And with your family in third countries?
  (*If answer is no, go to financial remittances, part II*)
- How do you contact them?
- Do you travel back to visit your family sometimes?
- If you go back, do you tell them anything about what's happening outside (and inside) Burma? Or maybe teach them skills that you have learnt here in training or school?

Financial Remittances

- Do you try to support your family in Burma by sending money? What do they use the money for?
- Have you been sending this money to them since you arrived here?
- How do you send the money?

- Do many people in this community send money?
- Do you sometimes send money together, for example to build a school in Karen State?
- Apart from money, is anything in kind being sent? (clothes, medicine, books…)

- If a family member of yours leaves for a third country, do you feel that they should help you?
- Do many people in this community receive money from family members abroad?
- Do you yourself ever receive money? Do you need to share that money?

Natural capital

- Do you :
  - grow any vegetables
  - have any animals,
  - collect forest resources
  - (outside camp) have any land?

Physical capital

- (personal items)
- (outside camp) Do you have access to health services?
- What infrastructure do you have access to and use:
  - water
  - electricity
  - access to information/communication

Human capital

- How many years have you been to school? And your husband/wife?
- Can you read and write?
- Which language(s) do you speak?
- Do you know anything about the rights that you have as a refugee? If yes, who told you about these?
- (outside camp) Since your arrival, have you received help from any organisation? If yes, which one and which help?

Last questions

- (in camp) What is the biggest problem about living here in the camp?
- (outside camp) What is the biggest problem about living here in Thailand?
- How can your life here in Thailand be improved (by you, your family, the camp committee, the NGOs, the RTG)?
- What do you yourself think is the best solution for you or your family: return to Burma, resettlement or improving conditions here in Thailand?

At the end of the household interview: is there anything else you would like to talk about or that you would like to know about me/Belgium?

ANNEX B: Questionnaire political refugees[186]

Identity and causes of flight

- Sex, Age, Ethnicity, Religion:
- How many people are there in your family?
- Why did you leave Burma? Did you experience any violence yourself, or did your close family?
- Did your family come with you when you fled?
- When did you arrive in Thailand?
- Where did you live before coming to camp? And when did you arrive in camp?

Life in exile

- Why did you decide to come to camp?
- How is life here, compared to outside camp?
- When you lived outside camp, did you have many contacts with people who were not politically active?
- Did you have contact with Thai people, have Thai friends? Did you try to blend in into Thai society?
- Did you have any legal papers?
- Were you harassed by the police?

- Which specific problems do you activists have here in camp? Are there any tensions with the other camp people? Do you receive any special treatment?
- How do you supplement your rations?
- Who do you go to if you have a problem?
- Who are the powerful people in this camp?

Transnational activities

- Are you a member of an organisation or party? Which work does that organisation do?
- Do they only work in Thailand or also in Burma or other countries?
- Did you work for that organisation before coming to camp? Can you still do that work now? How do you keep in contact with the world outside camp?
- How do you keep in touch with what is going on in Burma? Are there sometimes public discussions or workshops on the recent events?
- Is the Burma lobby in Thailand strong? Who are the most important players?

[186] This questionnaire was only used as a basis for the interviews with political refugees in Nu Poh camp. All interviews with political refugees were in practice in-depth interviews and discussions.

- Do you sometimes go back to Burma? To visit family or for work?
- Do you have contact with your family? Do you try to support them?
- In other refugee situations you can see that people put money together to develop their hometowns. Is that happening here? Are there organisations transferring money for development projects?

Future

- What is the best durable solution for you personally: return, stay here in Thailand or resettlement?

Is there anything else you would like to talk about?

ANNEX C: The selected camps

Source: TBBC, Camp locations, http://www.tbbc.org/camps/camps.htm, consulted : August 1, 2009. (literal quotation)

Mae La camp

Mae La is also known as 'Beh Klaw' in Karen, which means 'cotton field' due to the agricultural activities for which Karen leaders first negotiated permission for refugees to cross into the area in 1984.

Location:	Tha Song Yang District, Tak Province
Distance from Border:	about 8 kms
Distance from Mae Sot:	57 kms / approx. 1 hour driving time
Area	about 1,150 rai (4 km2)
Accessibility:	Car – good, all-year-round access

History

The camp was originally established following the fall of the KNU base at the Thai village of Mae La on the border in 1984 with a population of 1,100. Shortly afterwards, due to security concerns, it was moved to the site where Zone C currently lies. After the fall of Manerplaw in January 1995, a number of camps were attacked in cross-border raids and the Thai authorities began to consolidate camps to improve security; Mae La was designated as the main consolidation camp in the area.

In April 1995, Mae La increased in size from 6,969 to 13,195 due to the closure of five camps to the north – Mae Ta Waw, Mae Salit, Mae Plu So, Kler Kho and Kamaw Lay Kho – and the move of Huay Heng later in October of the same year. Over the

following year, the camp doubled in size again to 26,629 as those lost in the move came back into the camp.

In March 1997, some people were relocated here following the closure of Huai Bone camp (aka Don Pa Kiang) and again in February 1998 when Shoklo camp was closed.

Mae La is considered as a centre of studies for refugees, so the current population includes several thousand students who come to study in the camp (some from other camps but mostly from Burma). They are registered only as temporary inhabitants.

The camp was attacked in 1997 by DKBA troops with support from Burma Army units. There have been no incursions since then, but a mortar shell landed in Section A5 in March 1998. Every dry season, this area is quite tense with concerns relating to camp security – threats of armed attack and/or attempts to burn the camp.

The area of Karen State lying opposite Mae La camp is very rural with no large settlements or infrastructure. The Karen National Liberation Army (KNLA) maintains its 7th Brigade Headquarters nearby, and there are several Burma Army and Democratic Karen Buddhist Army outposts in the area.

Nu Poh camp

Nu Po is also commonly spelt Noh Hpo, and means “small lake” in Karen.

Location:	Umphang District, Tak Province
Distance from Border:	8 kms
Distance from Mae Sot:	232 kms / approx. 6 hours driving time
Distance from Umphang:	68 kms / approx. 1½ hours driving time
Area:	about 400 *rai* (640,000 m2)
Accessibility:	all-year-round access;

History

This camp was set up in March 1997 after a major offensive during which the Burma Army took control of Duplaya District in Karen State. It was established to

consolidate the existing refugee populations of Meteroke and Baw Ner Hta camps (both were set up in 1992 and had populations of 4,595 and 2,078 respectively) and to house new arrivals fleeing from the current offensive.

In late 1997, groups of new arrivals came into two areas outside the camp Ta Per Poo (2,221) and Nong Luang (771), where they received food and medical support from the NGOs before they were allowed to move into the camp.

In March 2005, approximately 800 Persons of Concern (PoC) from the Mae Sot area were transferred to the camp as part of the RTG's policy to relocate all PoCs in urban areas to the border camps.

Mae Ra Ma Luang camp

Mae Ra Ma Luang is also known as Mae Ra Mu or Mae Ra Mu Klo in Karen.

Location:	Sob Moei District, Mae Hong Son Province
Distance from Border:	about 4 kms
Distance from Mae Sariang:	via Mae Sam Laep: kms / 3-8 hours driving time depending on conditions via Sob Moei: kms / 3-6 hours driving time depending on conditions
Area :	about 800 rai (320,000 m2)
Accessibility:	Car: all-year-round access; 4WD and chains required in the rainy season; Boat: access from Mae Saam Laep

History

Mae Ra Ma Luang lies opposite Manerplaw – the old headquarters of the Karen resistance, and home to many of the pro-democracy groups that fled crackdowns following the demonstrations throughout Burma in 1988. This area is now occupied by Burma Army and DKBA (Democratic Karen Buddhist Army) troops, but there is little fighting or military operations in this specific part of the borderlands.

Mae Ra Ma Luang was first set up in February 1995, following the fall of Manerplaw. Initially, a large number of the people living in areas around Manerplaw fled to Mae Taw La village on the Thai side. Upon agreement with Thai authorities and local landowners, they were soon allowed to relocate to the present site. People from Mae Po Hta camp, which was also deserted following the Burma Army's capture of the area were initially relocated to Huai Haeng, but

gradually moved to the present site by November 1995. The initial population of Mae Ra Ma Luang was about 4,000. However, in February/March 1998 during the consolidation of the Salween camps to the north, there was a further influx of about 2,300 refugees who did not want to relocate to the consolidated camps of Ban Sala and Mae Khong Kha (since relocated to Mae La Oon). The camp extended southwards to accommodate these new residents to where the Mae Ra Ma Luang river flows into the larger Mae Yuam. This new part of the camp became Section 7, and straddles the provincial boundary between Mae Hong Son and Tak provinces. In March 1995, Section 1 of the camp was attacked by Burma Army and DKBA troops, but since this time there have been no further security incidents.

ANNEX D: Profile of the respondents

Settlement category

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	self-settled refugees	81	52,9	52,9	52,9
	camp refugees	72	47,1	47,1	100,0
	Total	153	100,0	100,0	

Gender

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	71	46,4	46,4	46,4
	Female	82	53,6	53,6	100,0
	Total	153	100,0	100,0	

Age

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	- 20	6	3,9	4,1	4,1
	20-29	38	24,8	25,9	29,9
	30-39	51	33,3	34,7	64,6
	40-49	32	20,9	21,8	86,4
	50+	20	13,1	13,6	100,0
	Total	147	96,1	100,0	
Missing	99	6	3,9		
Total		153	100,0		

Religion

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Christian	57	37,3	37,5	37,5
	Buddhist	74	48,4	48,7	86,2

	Muslim	20	13,1	13,2	99,3
	other	1	,7	,7	100,0
	Total	152	99,3	100,0	
Missing	99	1	,7		
Total		153	100,0		

Ethnicity

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	S'ghaw Karen	76	49,7	49,7	49,7
	Pwo Karen	24	15,7	15,7	65,4
	Burman	21	13,7	13,7	79,1
	Muslim	17	11,1	11,1	90,2
	other	15	9,8	9,8	100,0
	Total	153	100,0	100,0	

Education (in standards)

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	none	36	23,5	29,0	29,0
	Grade 1	3	2,0	2,4	31,5
	Grade 2	12	7,8	9,7	41,1
	Grade 3	4	2,6	3,2	44,4
	Grade 4	8	5,2	6,5	50,8
	Grade 5	8	5,2	6,5	57,3
	Grade 6	6	3,9	4,8	62,1
	Grade 7	8	5,2	6,5	68,5
	Grade8	11	7,2	8,9	77,4
	Grade9	4	2,6	3,2	80,6
	Grade 10	10	6,5	8,1	88,7
	Post-10/university	14	9,2	11,3	100,0
	Total	124	81,0	100,0	
Missing	99	29	19,0		
Total		153	100,0		

Number of family members in house

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	8	5,2	5,6	5,6
	2	11	7,2	7,6	13,2
	3	17	11,1	11,8	25,0
	4	27	17,6	18,8	43,8
	5	23	15,0	16,0	59,7
	6	20	13,1	13,9	73,6
	7	20	13,1	13,9	87,5
	8	9	5,9	6,3	93,8
	9	2	1,3	1,4	95,1
	10	3	2,0	2,1	97,2
	11	1	,7	,7	97,9
	12	2	1,3	1,4	99,3
	14	1	,7	,7	100,0
	Total	144	94,1	100,0	
Missing	99	9	5,9		
Total		153	100,0		

Period of arrival in Thailand

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	before 1988	26	17,0	17,3	17,3
	period 1988-1994	25	16,3	16,7	34,0
	period 1995-2000	54	35,3	36,0	70,0
	after 2000	45	29,4	30,0	100,0
	Total	150	98,0	100,0	
Missing	999	3	2,0		
Total		153	100,0		

Job main income winner * settlement category

		settlement category		Total
		self-settled refugees	camp refugees	self-settled refugees
Job main income winner	unemployed	3	6	9
		3,8%	8,5%	6,0%
	farming	19	13	32
		23,8%	18,3%	21,2%
	construction work	15	0	15
		18,8%	,0%	9,9%
	petty trade	4	4	8
		5,0%	5,6%	5,3%
	job with NGO/CBO/camp function	9	13	22
		11,3%	18,3%	14,6%
	student	1	0	1
		1,3%	,0%	,7%
	shopkeeper	6	13	19
		7,5%	18,3%	12,6%
	domestic work	3	1	4
		3,8%	1,4%	2,6%
	weaving	0	6	6
		,0%	8,5%	4,0%
	sewing	7	1	8
		8,8%	1,4%	5,3%
	restaurant/hotel	7	0	7
		8,8%	,0%	4,6%
	other	5	8	13

		6,3%	11,3%	8,6%
	taken care of by family	1	6	7
		1,3%	8,5%	4,6%
Total		80	71	151
		100,0%	100,0%	100,0%